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Chairman: Mr. Carranza (Vice-Chairman) ..... (Guatemala)

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In the absence of Mr. Hachani (Tunisia), Mr. Carranza (Guatemala), Vice-Chairman, took the Chair.

The meeting was called to order at 3.20 p.m.

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(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/53/84–S/1998/234, A/53/114, 120, A/53/182–S/1998/669, A/53/188, 322 and Add.1, 355, 364, 365, 366, 367, 402, 423 and Corr.1, 433, 490, 504, 530, 537, 539 and 563; A/C.3/53/5 and 8)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/53/36)

1. **Ms. Sibal** (Observer for the United Nations Educational, Scientific and Cultural Organization (UNESCO)) introduced the report of the Director-General of UNESCO on the implementation of the Declaration of Principles on Tolerance and the Follow-up Plan of Action for the United Nations Year for Tolerance, contained in document A/53/284. The Declaration was the expression of both a moral duty and a political commitment. It recognized the rich diversity of the world's peoples and cultures and firmly rejected violence and the futile quest for uniformity. Its adoption by the UNESCO General Conference on 16 November 1995 had marked the culmination of the United Nations Year for Tolerance.

2. In the years since then, UNESCO had continued its campaign to mobilize public opinion against the rising tide of intolerance manifested in xenophobic violence, exclusion and discrimination, aggressive nationalism, terrorism and extremism, and violations of the right to freedom of opinion and expression. The Organization's strategy was two-pronged: it sought, first, to influence public opinion in favour of tolerance by demonstrating, through a series of cultural and social events worldwide, how tolerance was linked to peaceful coexistence, and, second, to assist people involved in educating for tolerance by providing them with literature setting out improved methods for teaching languages, information on human rights and international institutions, and approaches to history teaching which emphasized the variety and diversity of the world's cultures. The media also had a key role to play. The UNESCO media strategy focused on freedom of information and the enhancement of media resources in developing countries, including through international, regional and national training programmes.

3. The first International Day for Tolerance had been observed on 16 November 1996, the anniversary of the adoption of the Declaration. Numerous States had expressed support for the UNESCO Tolerance Programme and various publications on the matter had been distributed. In 1997, information about the Day had appeared in the news media in every country without exception. Several countries, among them Benin, Brazil, Germany, Senegal, Togo and Uganda, had organized public events, including seminars, cultural conferences and debates on a variety of themes.

4. The report also described the pedagogical activities undertaken by UNESCO in order to disseminate the principles of the Declaration, including the production of posters and teaching kits, and highlighted the activities of four regional networks established in the Mediterranean/Black Sea Basin, Asia and Pacific, Africa and Latin America regions to strengthen tolerance and non-violence. It was vital that Member States too should make their contribution to disseminating the ideals of tolerance.

5. **Mr. Baali** (Algeria) said that the principles of the universality and indivisibility of human rights had never been more relevant than in the context of the process of globalization which was currently transforming society, erasing borders, removing barriers and reducing differences. The international community had an unprecedented opportunity to extend the realm of human rights to the outermost reaches of the planet. It was important to ensure, however, that the task was accomplished in a spirit of cooperation and partnership and without any kind of paternalism, selectivity or political calculation. Also, there was a need to recall one of the central tenets of the Vienna Declaration and Programme of Action, namely, that democracy, development and respect for human rights and

fundamental freedoms were interdependent and mutually reinforcing.

6. While democratic governance was taking root throughout the world, however, there had been little progress with respect to the promotion of economic and social rights. The structural adjustment programmes implemented in many countries with a view to improving their economies and allowing their eventual integration in the global market had brought only greater suffering, poverty and exclusion. Even within the United Nations system, action in the economic and social field was made conditional upon the effective realization of civil and political rights, to the detriment of the former. Progress in the promotion of human rights could be accomplished only through the adoption of a comprehensive approach which encompassed all human rights, including the right to development.

7. He expressed regret that no action had been taken thus far with respect to the rationalization of human rights mechanisms, because of a lack of political will. He hoped that the issue would be taken up in the near future in a serious and coherent manner befitting a question of such importance. In that connection, the treaty-monitoring bodies must strive to engage in a more fruitful dialogue with States parties, since a confrontational approach most often proved counterproductive. It was also important that those bodies should conduct their activities within the framework of their mandates. Accordingly, any new approach entailing the examination of States parties' reports in their absence should be rejected. Moreover, there was no provision in international treaty law which restricted the right of States, upon acceding to or ratifying an instrument, to enter reservations or make interpretative declarations, because no instrument could take into account the concerns of every State party, and it was not within the competence of other States, still less the treaty-monitoring bodies, to make pronouncements as to the legality of those reservations. It was also important, in the interests of transparency and fairness, that States should be made aware of any supplementary information received by the treaty-monitoring bodies from other sources, so that they were able to put their own case. As to the membership of the treaty bodies, the principle of equitable geographical representation must be more strictly observed. In the recent elections to those bodies, the representation of the developing world in general, and of Africa in particular, had been eroded.

8. Despite the ravages of terrorism, Algeria had embarked upon a vast programme of national reconstruction aimed at establishing the rule of law, creating democratically elected, pluralist institutions, implanting human rights in society and revitalizing the economy with a view to achieving sustained growth and a more equitable distribution of wealth. The institutional reforms had already been completed. More than 25 political parties were currently active in Algeria and 10 were represented in the National Assembly. There were some 54,000 associations and non-governmental organizations, and a dynamic and independent press. The Government had appointed a human rights ombudsman and there were several human rights leagues. A Council of State had recently been established with a view to strengthening the independence of the judiciary and providing an additional avenue of appeal for citizens in cases of human rights violations by the authorities. His Government was committed to developing its relations with the human rights treaty-monitoring bodies, since it was convinced that their recommendations, provided that they were offered in a spirit of cooperation, could contribute to the enhancement of the exercise of human rights in Algeria. The people of Algeria had embraced modernity and progress, guaranteeing that democracy and human rights would develop and flourish.

9. **Ms. Mdoe** (United Republic of Tanzania), speaking on agenda item 110 (c), said that her delegation had noted with interest the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi (A/53/490). It was unfortunate that the Special Rapporteur had not been able to present his report in person owing to the injuries which he had sustained in an accident while visiting Burundi, thus depriving the Committee of the opportunity to engage in a dialogue with him and to draw his attention to inaccuracies in the report. In that document, the Special Rapporteur acknowledged receipt of a copy of a letter dated 5 May 1998 from the Permanent Representative of the United Republic of Tanzania in Geneva to the Chairman of the Commission on Human Rights. He did not appear, however, to have heeded the comments made in that letter concerning the misrepresentation in his two previous reports of the purpose and scope of the economic sanctions imposed on Burundi. His current report was equally misleading and subjective, and he had glossed over the realities of the human rights situation in Burundi.

10. As previously stated by her delegation, the economic sanctions imposed on Burundi by neighbouring States in the wake of the military coup of 26 July 1996 would be lifted when that country committed itself to a political settlement. The onus therefore rested squarely with Burundi. The sanctions, moreover, were limited in scope and balanced humanitarian concerns with the need to sustain the ongoing peace process. A third round of talks had recently concluded in Arusha, and their resumption was scheduled for January 1999. The Arusha talks represented the only hope

of bringing peace to Burundi. It was regrettable therefore that the Special Rapporteur had paid so little heed to those regional arrangements, which had the support of both the Organization of African Unity and the United Nations.

11. Her delegation was dismayed at the allegation in paragraph 37 of the report that the territory of the United Republic of Tanzania served as the main point of entry and exit for rebel incursions into the territory of Burundi. A recent investigation conducted jointly by the Office of the United Nations High Commissioner for Refugees and the Tanzanian authorities had concluded that there was no evidence of any military activities in or around the refugee camps located in Tanzania. She called upon the Special Rapporteur to desist from making such groundless allegations and to carry out his mandate in a more responsible manner.

12. **Mr. Burleigh** (United States of America) said that his country was well aware of its own shortcomings. It had struggled with the fight for true equality and continued to work for justice and civil rights at home. However, injustice and oppression would never be addressed until they were recognized and named aloud, or until nations were called to account. Highlighting some of his delegation's concerns with human rights around the world, he said that a particular concern was the continued oppression of women and girls. Oppression took many forms: it was clear that in the absence of civil and political rights, countries would often be condemned to poverty and underdevelopment, but that same poverty could inhibit the enjoyment of human rights.

13. His delegation was deeply concerned at reports of ethnic-based mass arrests and summary executions, religious persecution, deportations, and rape and abuses against women in Afghanistan. The entire world had condemned the Taliban's treatment of women and girls, who were truly Afghanistan's silenced — not silent, but silenced — majority. The people of Myanmar also continued to suffer under one of the most repressive authoritarian military regimes in the world. The human rights record of the State Peace and Development Council could only be described as dismal, and his delegation called on it to enter into a meaningful dialogue with the political opposition. He also looked to the good offices of the Secretary-General to ensure that such a dialogue began swiftly. If Myanmar failed to achieve national reconciliation, it would continue to suffer its decades-long plight of narcotics abuse and trafficking, lack of education and widespread poverty.

14. Perhaps nowhere in the world was there as clear an illustration of the linkage between political and economic rights as in the Democratic People's Republic of Korea, where the Government had made no discernible progress in 1998 and had continued its notoriously poor human rights record. Its consistent failure to provide even the most basic sustenance for its people could not be separated from the fact that its rule was pervasive and all-intrusive. The Government should take positive steps to respect the fundamental human rights of its citizens.

15. In the western hemisphere, despite an overwhelming move towards democracy, the decades-long status quo in Cuba remained essentially unchanged and freedom of speech, assembly and association remained severely restricted. The exercise of those rights led to harassment, arrest and imprisonment, and the Cuban regime allowed no avenues for a change in government.

16. In Africa, the already unacceptable human rights situation in the Great Lakes region had deteriorated further with the outbreak of hostilities in the Democratic Republic of the Congo in August 1998. His delegation condemned any Government's collusion with genocidal militia groups, such as the former Rwandan Armed Forces and the Interahamwe, and was also concerned about human rights abuses in territory controlled by the Congolese rebels. The situation in both Rwanda and Burundi also remained a source of great concern, as insurgent attacks on civilians continued. Abuses had been committed by the armed forces of both countries as part of counterinsurgency operations, but in recent months both armies appeared to have curtailed their abuses. The human rights situation in the region needed to be monitored.

17. In the Sudan, some of the most egregious human rights violations in the world continued, seemingly unnoticed and often unreported. Fifteen years of brutal civil war had left nearly 2 million people dead, most of them civilians. Famine and rape were used as weapons of war. The Government had regularly interfered with the delivery of relief supplies to victims of that terrible conflict, and credible reports persisted of slavery and the slave trade, to which the Government must put a stop. There was also widespread persecution of Christians and animists. Arbitrary arrests, disappearances and torture were widespread, as were reports of the abuse of women and children. The Sudan also supported the Lord's Resistance Army, which had carried off thousands of children from Uganda, murdering some of them and turning others into slaves or child soldiers. The civil war was blamed for many of those abuses, but there was no excuse for such acts. His delegation called on the Government of the Sudan and the Sudan People's Liberation Movement to negotiate seriously at the Intergovernmental Authority on Drought and Development peace talks.

18. In Iraq, freedom of thought, expression, religion, association, assembly and movement simply did not exist, nor was there any protection from arbitrary arrest, torture, imprisonment or summary execution. Iraq was ruled by a repressive one-party regime, controlled by Saddam Hussein and his family, and the Commission on Human Rights had in 1998 condemned the "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror". The Special Rapporteur on the situation of human rights in that country had found strong evidence that hundreds of prisoners had been executed in Iraqi prisons in the past year. In southern Iraq, the Shia minority leadership had been the target of assassinations attributed to the Iraqi regime, and reports continued of serious repression of the Marsh Arabs and of the destruction of their way of life and the unique ecology of the marshes. In northern Iraq, the Government continued forcibly to expel tens of thousands of ethnic Kurds and Turkomen from the cities, and seizures of land from the Kurds were frequent. Six hundred Kuwaitis and other non-Iraqis who had disappeared at the hands of the Iraqi authorities during the occupation of Kuwait remained unaccounted for, and Iraq showed no indication that it intended to comply with Security Council resolution 688 (1991) demanding that it stop repressing its own people.

19. In Belarus, an authoritarian regime was engaging in serious and frequent human rights violations and there was scant respect for even the most basic democratic rights. A dictatorial executive branch controlled the judiciary and effectively suppressed freedom of speech and association and subjected its citizens to arbitrary arrest, detention, fines, beatings, threats and harassment. The Government had gone so far as to intimidate and interfere with international human rights monitors. Such flagrant violations could not continue indefinitely.

20. The year 1998 had seen some of the worst abuses of human rights in Kosovo. In contrast to Serbia, Montenegro had shown great compassion in caring for the nearly 50,000 internally displaced persons forced out of Kosovo by the Draconian tactics of President Milosević. His delegation also had serious concerns about the human rights situation in Croatia, whose Government continued to block the development of a democratic society and judicial reform and continued severely to restrict freedom of assembly and association. The Government's 1998 refugee return programme was, however, commendable.

21. There were also examples of progress during 1998. Despite its recent history, in Bosnia and Herzegovina an independent press was developing and a pluralist democracy with citizens' participation was rapidly expanding. The Government must do more, however. His delegation was concerned at the continuing impediments to the return of displaced minorities, and more work needed to be done to prevent the harassment and even murder of those who returned.

22. China had taken several positive steps towards increased respect for human rights, but serious problems remained. While public petitions and open calls for political change were fairly common, sharp limits remained on what was permissible, and organized opposition to the Communist Party was not tolerated. Measures taken by the authorities to limit political activities included harassment, detention and travel restrictions Recent actions also indicated that the Chinese authorities might be moving to tighten recently loosened restrictions on fundamental freedoms.

23. In Nigeria, there had been significant improvements in human rights in the past four months. His delegation commended the Government for the promising steps which it had taken. In Algeria, the work of the panel of eminent persons was a good first step towards cooperation in addressing the ongoing and truly horrific human rights violations perpetrated in the course of the brutal terrorist insurgency. He was also encouraged that in the Islamic Republic of Iran, the Government had sought to advance the rule of law and international dialogue. Despite expressions of good intentions, however, the actual record remained troubling. In conclusion, his delegation pledged to continue the fight for human rights, both at home and abroad.

24. **Mr. Priedkalns** (Latvia) said that 1998 had been an important year in the field of human rights in Latvia. Constitutional, juridical and legislative reforms had been introduced. In October 1998, the Constitution had been amended to include articles setting forth fundamental human rights and freedoms. As a result of a referendum, Latvia's laws on citizenship now conformed to the international standards of organizations such as the Organization for Security and Cooperation in Europe. A series of laws had been enacted which expanded the legislative basis of his Government's human rights policy. That policy was built on the belief that compliance with European Union and United Nations standards was essential, and it was a result of the ongoing discourse within civil society. The formulation of human rights policy was occurring in the context of a process shaped by historical and social circumstances. His Government was open to constructive involvement, but believed that it was counterproductive to debate out of context laws that had been passed by national legislatures. Education, the mass media and language were the basic human rights issues in Latvia and were widely debated at various levels, including the Government, non-governmental

organizations, academic institutions and international expert bodies. His Government was grateful for the assistance of the United Nations Development Programme (UNDP) in attaining the objectives of the integration of Latvian society.

25. In the twentieth century, flagrant violations of human rights had been committed by two totalitarian occupation regimes in Latvia. Consequently, Latvia was particularly sensitive to the responsibilities of Governments to defend human rights and strengthen democracy and social welfare. Unfounded accusations by others were not conducive to creating a constructive atmosphere for debate in forums such as the Third Committee.

26. Latvia acknowledged with appreciation the assessment in the fields of human rights and political development made by the Commission of the European Union the previous week. It was willing to share with all nations its recent experience in positively addressing the legacy of occupation and establishing stable democratic institutions.

27. **Mr. Tin** (Myanmar) said that, since taking office on 18 September 1988, his Government had restored stability and normalcy to Myanmar. After half a century of insurgencies which had devastated the country, peace and stability had meant that national infrastructure-building and socio-economic development could be effectively pursued. Myanmar had chosen the path of democracy: his Government was building a genuine democratic State with a market-oriented economic system. Its firm commitment to the establishment of a disciplined, democratic multiparty system, in harmony with Myanmar's traditions and culture and the aspirations of its people, was totally consistent with the Charter of Economic Rights and Duties of States. Given the problems faced by the country's 135 nationalities in the past and the need to consolidate national unity, peace and stability, his Government had concluded that the latter objective could be achieved only through the National Convention process.

28. On 16 September 1998, however, the National League for Democracy (NLD) had unilaterally issued a declaration stating that it was establishing a 10-member committee which would perform the duties of the Parliament until the latter could be convened under the Election Law of 1990. That committee had subsequently declared that all laws, acts, regulations, orders and directives issued by the Government since 18 September 1988 were to be considered annulled, but where did that leave the 1990 Election Law and the 1990 elections, not to mention the law establishing political parties, including NLD? It had become obvious that, in attempting to gain power by short-circuiting the National Convention process, the NLD leadership was undermining the peace, stability and economic development of Myanmar's people. Mass rallies attended by tens of thousands of citizens had voiced their concern and opposition, and other legally constituted political parties had condemned NLD for its actions. The Government had shown great restraint and leniency towards NLD, despite the latter's brazen attempts to destabilize the political situation. However, it had been constrained to invite elected members of NLD to some guest houses to forestall the illegal convening of Parliament; many of them had since returned home.

29. Referring to the comments made by some delegations regarding the internal situation in Myanmar, he said that their perception of the situation and their allegations regarding the promotion of democracy and human rights had no validity and did not reflect the actual situation. Some delegations had placed personality over policy by promoting the name of a single individual, something which ran counter to the principles of democracy. The Government and people of Myanmar could no longer tolerate confrontational acts aimed at inciting public unrest and obstructing the National Convention process. They did not believe that haphazard democracy achieved through confrontation and the personality of a single person would ensure a peaceful and happy future.

30. **Mr. Akunwafor** (Nigeria) said that the fiftieth anniversary of the Universal Declaration of Human Rights provided an opportunity to refocus attention on those rights and freedoms which were essential to the maintenance of human dignity, including the right to development. His delegation was pleased that the programme for the fiftieth anniversary was gaining worldwide acceptance, but believed that serious attention needed to be given to the question of differing circumstances and experiences in the enjoyment and application of human rights, depending on culture, level of development, economic situation, resources and capacities. The international community must make sure that people had confidence in international efforts to guarantee the enjoyment of human rights through the application of international instruments and mechanisms. Moreover, it was essential that the principles of non-selectivity, objectivity and impartiality should continue to guide the application of existing mechanisms for assessing the human rights situation in individual States.

31. Nigeria was a party to all the major international human rights instruments. It believed in the concept of the universality, indivisibility and interdependence of human rights and fundamental freedoms, and considered that all aspects of human rights should be given equal emphasis in order to guarantee that every man, woman and child was able

to live in dignity and without fear of persecution. In recognition of its primary responsibility for the promotion and protection of the rights of its citizens, the Government remained fully committed to its obligations. It had established an independent National Human Rights Commission, as recommended in the Vienna Declaration and Programme of Action. Since ratifying the Convention on the Elimination of All Forms of Discrimination against Women in 1985, it had introduced programmes such as the family support programme and the family economic advancement programme and had established government institutions such as the federal Ministry of Women's Affairs and Social Development and state ministries of women's affairs, which were helping to improve the living standards of both rural and urban women in Nigeria.

32. Since the current administration had taken office on 9 June 1998, much had been achieved in the promotion of fundamental human rights, good governance, accountability and the rule of law. His Government had embarked on a bold, far-reaching programme of democratization and respect for human rights. All political prisoners had been released, including General Obasanjo, the former Head of State; the "Ogoni 20" had been released; charges against former detainees had been dropped; nine political associations had been registered to participate in the upcoming elections; self-exiled opposition figures, including Mr. Wole Soyinka, had returned to Nigeria; the freedoms of expression, peaceful assembly and association were being protected; non-governmental organizations, student unions, professional bodies and labour unions were functioning freely; prison reform had been undertaken; and an Independent National Electoral Commission had been established to organize the elections. Those steps had been recognized and encouraged by the international community, including the Commonwealth, the European Union and the United States, which had decided to life the sanctions against Nigeria.

33. The report of the Special Rapporteur did not reflect the true situation of human rights in Nigeria. The Special Rapporteur was to visit Nigeria from 23 November to 1 December 1998, and Nigeria looked forward to the outcome of his mission. In the meantime, it appealed to the international community for continued support and cooperation.

34. **Ms. Barghouti** (Observer for Palestine) said that the item under consideration should be one of the top priorities of the international community. Gross violations of human rights occurred daily all over the world. The United Nations must take stronger measures to implement the international human rights instruments, based on the recognition that all human rights were universal, indivisible, interdependent and interrelated. The fiftieth anniversary of the Universal Declaration of Human Rights provided an opportunity for the international community to renew its commitments and meet its obligations in combating all human rights violations, and to develop innovative ways and means of monitoring and guaranteeing the implementation of human rights instruments.

35. The human rights situation in the occupied Palestinian territories, including Jerusalem, continued to be of great concern. Israel, the occupying Power, was persisting in its oppressive policies and practices against the Palestinian people, in grave violation of international humanitarian law. In addition to collective violations, including foreign occupation, deprivation of the right to self-determination, confiscation of land and natural resources, and building of illegal settlements, it was guilty of various individual violations, including detention, imprisonment, torture and obstruction of movement and means of livelihood. Those policies and practices were jeopardizing the peace process.

36. The international community could not allow 7 million people belonging to an ancient civilization to be controlled and dominated by Israel. The United Nations had a responsibility to give more attention to the flagrant violations being committed against peoples living under foreign occupation, particularly the Palestinian people, as called for in the Vienna Declaration and Programme of Action. The Palestinian people were deeply concerned about the continuing difficulties in the peace process, but remained hopeful that there would soon be real and positive change on the ground, leading to genuine progress with regard to their human rights and living conditions.

37. **Mr. Pedersen** (Observer for the International Federation of Red Cross and Red Crescent Societies) said that he wished to highlight a few key areas in which the Federation and its member societies were involved in securing basic human rights for millions of people, especially the victims of natural and man-made disasters. Food aid, health services and shelter were the most important of those areas. Access to food and the right to food were particularly important, in that they were an integral part of the right to development. Currently, 25 per cent of the Federation's expenditures went on food aid. That percentage was expected to rise drastically in the months and years to come, not least because of the growing number of countries, including huge and highly developed countries such as the Russian Federation, experiencing food shortages.

38. In most disaster situations, health care and shelter were closely related to food aid and accounted for more than

35 per cent of the Federation's total expenditures. In addition, an increasing number of national societies were deeply involved in preventing and responding to infectious diseases such as HIV/AIDS and in community health programmes in general.

39. However, in dealing with food aid, health care, shelter and other basic human rights, the Federation and other members of the humanitarian community were faced with problems which related not only to scarce resources, logistical problems and security, but also to policies imposed by the United Nations, particularly United Nations sanctions. Imposing sanctions revealed a potential fundamental contradiction in working for two of the core objectives of the Security Council: peace and human rights. Sanctions were intended to achieve the former, but risked undermining the latter. According to the principle of proportionality, the harm inflicted by sanctions in order to achieve change should not be disproportionate to the anticipated gains. Since sanctions as instruments of the international will were unlikely to be abandoned, the issue of whether they should be allowed free rein or, like warfare, should operate within prescribed limits was critically important. Sanctions were like unarmed warfare; just as, in international humanitarian law, the end did not justify any means in warfare, so also did the end not justify any means when sanctions were imposed.

40. After several years of sanctions against Iraq, for example, the high price paid by the most vulnerable groups in a population was apparent. At the very least, a formal mechanism should be set up to assess the potential impact of sanctions and monitor their effects. The effective delivery of adequate humanitarian assistance to those most in need also had to be ensured. The diverse humanitarian impact of sanctions could be mitigated by exempting from them United Nations and other well-established humanitarian organizations, such as the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and facilitating their work in the field.

41. Another major factor affecting the Federation's humanitarian activities and, thereby, the human rights of its beneficiaries was the world financial crisis. He appealed to those who were trying to remedy the crisis not to forget its social and humanitarian aspects. In that connection, he welcomed the emphasis which the United Nations High Commissioner for Human Rights had placed on the elimination of poverty and social exclusion, which might well be the most important human rights objective of the coming century.

42. **Mr. Kim Chong-hoon** (Republic of Korea) said that the fiftieth anniversary of the Universal Declaration of Human Rights offered an opportunity to review the progress made and to prepare for new challenges through the collective will of the international community. His delegation welcomed the adoption by the Commission on Human Rights of the draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and hoped that it would be adopted by the General Assembly. It was encouraged by the Secretary-General's efforts to mainstream human rights in all United Nations activities and programmes. It noted with satisfaction the growing trend of bilateral dialogue and cooperation between Governments and the Office of the United Nations High Commissioner for Human Rights, and also the ongoing review of the human rights mechanisms of the Commission on Human Rights.

43. In the context of current global economic difficulties, it had become increasingly evident that economic, social and cultural rights could no longer be relegated to second place, but must be developed in a mutually reinforcing way with civil and political rights. The right to development was an intrinsic component of economic, social and cultural rights, and his delegation believed that the international community should focus on instituting sustainable actions and programmes to facilitate the early realization of that right worldwide.

44. Based on its own development experience, the Republic of Korea had come to the conclusion that economic and social development was a precondition for the promotion and protection of human rights and democracy. In order for sustainable economic development to be achieved, however, it must be accompanied by the determined efforts of an entire nation to build a democratic society in which respect for human rights and the rule of law were guaranteed for all. An open, pluralist society was not a natural outgrowth of economic development, it needed to be cultivated with perseverance and tenacity by both the Government and the people.

45. The new administration of the Republic of Korea was actively seeking systematic ways to safeguard and promote human rights. It had begun preparations for establishing an independent and effective national human rights commission in the near future, thereby enhancing the mechanisms of human rights protection and raising public awareness.

46. While it was true that there was considerable cultural, historical and political diversity, combined with differing degrees of development, in the Asia and the Pacific region,

that only enriched the region's unique character in the area of human rights. The Asian-Pacific regional workshop on human rights organized by the Office of the United Nations High Commissioner for Human Rights had played an important role in promoting regional cooperation. His country was among those which had called for regular human rights meetings in the region, and it hoped that future workshops would provide a forum for the promotion of awareness and greater observance of human rights in the region.

47. His delegation attached importance to human rights education for the fuller implementation of international human rights norms and the effective prevention of human rights abuses. An international seminar on human rights education had been held in Seoul on 19 October 1998. The Government would continue to participate actively in all United Nations efforts to foster respect for human rights and recognition of their universal and inalienable character, with a view to providing a more secure foundation for peace, security and prosperity throughout the world.

48. **Mr. Rodríguez Parrilla** (Cuba), speaking in exercise of the right of reply, said that the Committee had earlier received a lesson in double standards from the representative of the United States of America, which had included a cynical recognition of that country's shortcomings and a reference to its struggle for true equality. He recalled that, at the previous session of the General Assembly, his delegation had provided the Committee with irrefutable evidence, including names and cases, of human rights violations in the United States. Plentiful information about such violations was available from various sources, including the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1998/68/Add.3), which revealed a serious pattern of violations in the application of the death penalty, including a racial bias.

49. It had been reported that, in the United States, illegal immigrants were often imprisoned with common criminals. The long list of violations of immigrants' rights also included the low-intensity war being waged against immigrants along the Rio Grande border with Mexico and the brutality and ill-treatment suffered by immigrants. It had also been reported that women were subject to cruel, inhuman and degrading treatment in state prisons in Michigan, and that even children did not escape the death penalty. Not only was there police brutality, but prisoners in maximum security penitentiaries were subject to ill-treatment. There were also black and Puerto Rican political prisoners in the United States. Ill-treatment of children and young people was rife in juvenile detention centres, and children were sometimes tried and sentenced as adults.

50. The situation in the United States was one of terrible, systematic violations of human rights, characterized by racism and aberrant behaviour, particularly towards immigrants, yet the Third Committee remained silent. When the United States took it upon itself to lecture the countries of the South on good behaviour and the European Union drew up blacklists and recommended that the countries of the South emulate it, the Third Committee still remained silent.

51. Cuba had been and still was the victim of repeated acts of aggression by the United States of America and found nothing worth emulating in its money-based political system. Cuba felt that it was high time for an end to the double standards and blacklists of Cuba's grand inquisitors to the north, and high time that the Third Committee and the United Nations human rights mechanisms discussed the serious human rights violations taking place in the first world and took a serious look at the incontrovertible, systematic, flagrant and ongoing human rights violations taking place in a country that talked like a democracy, walked like an imperial Power, failed to pay its United Nations dues even as it set about trying to run the Organization and served as an object lesson that double standards should be rooted out of forums such as the Third Committee.

52. **Mr. Najem** (Lebanon), speaking in exercise of the right of reply, wondered what the representative of Israel, speaking in exercise of the right of reply to a statement by the Lebanese delegation, had been talking about when he had mentioned human rights and justice, and what that had to do with the village of Qana, where the Israeli occupation forces had committed genocide by killing 106 civilians, including women, children and old people who had taken refuge in the United Nations compound from Israel's Operation Grapes of Wrath. Qana was known in the Bible as the site of Christ's first miracle, but the Israeli occupation forces were also attempting to destroy the Muslim religion and civilization with their crimes against holy places, not just United Nations compounds.

53. He wondered what principle the representative of the Israeli occupation forces could have been invoking when he had asked the Lebanese delegation not to refer to the Israeli occupation of southern Lebanon. Day in and day out, the Israeli occupation forces killed people and perpetrated acts of aggression against civilians by closing schools and interrupting the course of people's lives, so if there was a principle, it could not be one in which anyone could believe.

54. The right to security of person and the right to life were inalienable human rights, yet every day the Israeli occupation forces tried to stamp them out. The Israeli representative had said that Israel and Israelis had a right to life, but that right did not seem to apply to anyone else.

55. Israel had occupied Lebanon since 1978 and refused to implement Security Council resolution 425 (1978) calling for the immediate and unconditional withdrawal of Israeli troops from Lebanon. There was nothing the occupation forces had not tried against Lebanon: there had been large-scale raids and at one point they had even occupied Beirut. The occupation forces were committing such acts in order to impose their own conditions on Lebanon. However, Lebanon would never accept that the occupation should continue. Peace in Lebanon must be based on the relevant Security Council resolutions, particularly resolution 425 (1978), and on the exchange of land for peace.

56. What the Israeli occupation forces termed terrorism was simply resistance against occupation, a right recognized in such international instruments as the Vienna Declaration and Programme of Action, which spoke of foreign occupation and its impact on human rights. Lebanon's resistance would continue until resolution 425 (1978) was implemented in full.

57. The Israeli representative's comments concerning the implementation of resolution 425 (1978) had been simply allegations designed to hoodwink world public opinion. The only way for Israel to implement the resolution, if indeed it wanted to, was to immediately withdraw its forces. The preconditions set by Israel for doing so were simply attempts to avoid doing what it must and were designed to distract attention from its true intentions.

58. Everyone knew that, in order to exercise the right to peace, people must know the truth. The truth was, quite simply, that people living under occupation suffered. That was why the Third Committee rejected occupation. That was also why he had exercised his right of reply: to explain what was happening in his country.

59. **Mr. Al-Humaimidi** (Iraq), speaking in exercise of the right of reply, stressed a point which he had made in responding to the Special Rapporteur's introduction of his report on the situation of human rights in Iraq (A/53/433), namely, that the human rights record of the United States of America was replete with human rights abuses. United States violations of human rights, beginning with the dropping of the atomic bombs on Hiroshima and Nagasaki and continuing with the chemical poisons dropped on Vietnamese villages and fields, had most recently included the bombing of Iraqi civilian targets in 1991 and the attack on the al-Shifa factory in 1998. The Iraqi people had forgotten none of those incidents, and the United States representative should think twice before attacking other countries' human rights record.

60. Everyone knew that human rights, including the right to life, were being violated daily in Iraq by the economic blockade. They also knew that the United States was responsible for that blockade and for the refusal to lift it, and that it paid no heed to the nefarious effects of that blockade on the Iraqi people. Everyone knew that any attempt to lift the sanctions imposed by Security Council resolution 661 (1990) would be vetoed by the United States which, on every occasion, had used its veto to rule out cooperation with Iraq.

61. Everyone was aware, moreover, that the aggression against Iraq was continuing. The manoeuvres used against Iraq were well known to one and all. The United States was plotting with a tiny group of Iraqi traitors whom it financed and armed to carry out terrorist acts in Iraq. That group had been given $97 million to try to eliminate the Iraqi Government and create anarchy in Iraq. Such aggression against Iraq and interference in its internal affairs violated international law and ran counter to the very human rights which the United States claimed to be defending.

62. **Mr. Ndaruzaniye** (Burundi), speaking in exercise of the right of reply, requested the Chairman to transmit the statement by the representative of Tanzania, in which she had criticized the report of the Special Rapporteur on the situation of human rights in Burundi (A/53/490), to the Special Rapporteur so that the Special Rapporteur could respond to it in due course.

63. At the same time, he wished to thank the representative of Tanzania for her positive assessment of the Burundian peace talks, which had just completed their third round in Arusha, Tanzania, and would begin their fourth round in January 1999. In the meantime, the five committees set up under the Arusha peace process would be working under the chairmanship of the panel of eminent persons accepted by the parties to the negotiations, with Mr. Mwalimu Julius K. Nyerere acting as facilitator.

64. His delegation, while welcoming the international community's support for the Arusha peace process, felt that the inequitable economic sanctions imposed on Burundi for over 30 months should not be allowed to go on stifling the country's population. He reiterated that it was to the benefit of neither human rights nor peace to prevent pregnant women and infants from being immunized, farmers from obtaining fertilizer, the chronically ill — such as asthmatics and AIDS sufferers — from receiving their medicines and

schoolchildren from receiving their schoolbooks. The Burundian people were involved in a peace process that enjoyed the support of all parties to the conflict, and the economic sanctions would, sooner or later, be revealed as flagrant violations of human rights and a serious obstacle to that process.

65. **The Chairman** said that the request by the representative of Burundi that the statement by the representative of Tanzania be transmitted to the Special Rapporteur on the situation of human rights in Burundi had been duly noted.

The meeting rose at 5.20 p.m.

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Chairman: Mr. Ball (Vice-Chairman) ..... (New Zealand)

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In the absence of Mr. Hachani (Tunisia), Mr. Ball (New Zealand), Vice-Chairman, took the Chair.

The meeting was called to order at 3.10 p.m.

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(c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/53/84–S/1998/234, A/53/114, 120, A/53/182–S/1998/669, A/53/188, 322 and Add.1, 355, 364, 365, 366, 367, 402, 423 and Corr.1, 433, 490, 504, 530, 537, 539 and 563; A/C.3/53/3 and 8)

(e) **Report of the United Nations High Commissioner for Human Rights** (*continued*) (A/53/36)

1. **Ms. Ashour** (Libyan Arab Jamahiriya) said that the Third Committee was among the bodies responsible for implementing the recommendation of the World Conference on Human Rights held in Vienna in 1993 to rationalize the human rights mechanisms of the United Nations, which had not yet been done and was a matter of priority. Although the Conference had emphasized that human rights issues should be addressed with impartiality, the countries of the South were invariably subjected to intimidation and interference in their internal affairs from the countries of the North during the Committee's annual discussions of such issues. In addition, the measures adopted by certain countries, such as the United States of America, conflicted with the call made at the Vienna Conference for States to refrain from taking steps that would impede the enjoyment of human rights, such as using food as a tool of political pressure.

2. Many United Nations documents substantiated the statements concerning poverty, exclusion and the lack of social justice contained in paragraph 4 of the report of the United Nations High Commissioner for Human Rights (A/53/36). As agreed in Vienna, the right to development was the basis for the enjoyment of individual social, political and economic rights. Development was also the best means of achieving peace.

3. Emphasizing that the bodies established by human rights instruments should not exceed their designated mandate, she said that they should also facilitate the task of Member States by ensuring that the latter were not required to submit reports which covered matters outside the limits set by those instruments. Furthermore, measures should be taken as soon as possible to remedy the currently unacceptable situation whereby the membership of those bodies was heavily weighted in favour of one geographical group at the expense of others, in particular the African group. At the same time, the impartial nature of the work undertaken by such bodies should not be confused with the temporary and political nature of work such as that undertaken by special rapporteurs of the Commission on Human Rights. In some cases, special rapporteurs demonstrated bias in their reports and relied on unconfirmed sources, while ignoring documented facts and reliable testimonies that contradicted their conclusions and recommendations. The aggressive and provocative language which they used also deterred people from cooperating with them and simply succeeded in damaging their credibility.

4. Her country's constant efforts to strengthen human rights were impeded by the unjust collective sanctions imposed on account of her country's refusal to surrender two of its citizens, the effect of which was to deprive the Libyan Arab people of various rights, *inter alia*, the right to development. Not only did collective sanctions blatantly violate the rights of the two suspects and the Libyan Arab people as a whole, but they also violated article 10 and article 11, paragraph 1, of the Universal Declaration of Human Rights and article 14, paragraph 2, of the International Covenant on Civil and Political Rights, as well as the International Covenant on Economic, Social and Cultural Rights. Together with the entire Libyan people, the two suspects were being punished without trial and without fulfilment of any of the internationally agreed legal conditions.

5. There was no legal or moral justification for any State or international organization to impose sanctions in violation

of human rights, and the Security Council had no legal authority to demand that a State should surrender its citizens to another for trial. The economic sanctions imposed on her country were thus incompatible not only with the international human rights instruments, but also with the Charter of the United Nations. Recalling the words of one of the special rapporteurs, she affirmed that the sanctions harmed only the inhabitants and would not have the desired result.

6. **Ms. Campo** (Colombia) said that, during her recent visit to Colombia, the United Nations High Commissioner for Human Rights had been able to learn firsthand of many of the difficulties facing Colombia in the field of human rights. Colombia had been receiving a high level of cooperation and technical assistance from the United Nations; that cooperation, based on transparency, mutual respect and good faith, had been important for the adoption and development of policies relating to the promotion and protection of human rights. Her Government hoped that United Nations bodies and the international financial institutions would support the peace programme that had been carried out by the President since his inauguration in August 1998.

7. In Colombia, there were high levels of poverty and social inequality, and great disparities between urban and rural standards of living. An internal armed conflict had been going on for over 40 years, with serious repercussions for the poorest people in particular. Her Government accorded priority to finding a solution, because the resources being wasted in war needed to be invested in peace.

8. Her Government denounced the acts of barbarity committed in the previous week against civilian population of the city of Mitú by members of the Fuerzas Armadas Revolucionarias de Colombia, using weapons prohibited by international humanitarian law. The international community must strongly condemn grave violations of international humanitarian law in any part of the world, without distinction as to the perpetrators or the motives adduced.

9. Her Government was aware of the need to improve the human rights situation, and in particular to put an end to the serious violations of the right to life, liberty and personal integrity committed by guerrillas, paramilitary units, common criminals, and, to a much lesser degree, agents of the State. That struggle was linked to the struggle against poverty and social injustice, and constituted the core of the national development plan and the peace programme of her Government.

10. Colombia had acceded to the basic international human rights instruments and their optional protocols, and was a member of the inter-American system for the protection of those rights; it was meeting its reporting obligations and was cooperating with the special rapporteurs. Colombia's periodic reports described the efforts of successive Governments to guarantee and protect the human rights of all Colombians in the midst of internal conflict. Colombia had various programmes for the protection of human rights at the national level. Various State entities and civil society were conducting consultations with a view to establishing links with the International Criminal Court. Colombia attached great importance to the draft declaration on the protection of human rights defenders prepared by the Commission on Human Rights; her Government had held several meetings with organizations of human rights defenders, conducted studies on the risks attached to their work, and instructed all government offices to offer the assistance requested. The Vice-President of Colombia had been appointed national high commissioner for human rights.

11. Colombia felt a special responsibility to protect the rights of displaced persons and groups, especially women and children. The church and several non-governmental organizations, as well as the Office of the United Nations High Commissioner for Refugees, had been involved in the effort to provide relief to the displaced population. Colombia would host a regional conference on internal displacement in 1999.

12. **Mr. Donokusumo** (Indonesia) said that his delegation welcomed the emphasis which the United Nations High Commissioner for Human Rights had given in her report (A/53/36) to large-scale violations of economic, social and cultural rights over the past year; the link that was established between human rights and the negative consequences of unfettered competition and globalization, resulting in the marginalization of countries and an exacerbation of poverty worldwide, was also important. His delegation agreed that international financial institutions must identify and weigh the human rights impact of their activities; the perceived economic necessities of the day should no longer prevail over the rights of individuals to adequate health care, food and nutrition. The realization of the right to development, at both international and national levels, was essential.

13. His delegation was encouraged that a global partnership for human rights was envisaged as an important aspect of the programme of the fiftieth anniversary of the Universal Declaration of Human Rights.

14. His delegation welcomed the adoption of the draft declaration on the right and responsibility of individuals,

groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (A/C.3/53/L.5), and believed that its implementation should take fully into account the principles of impartiality, objectivity and non-selectivity, as well as the historical, cultural and religious backgrounds of the societies and communities concerned.

15. His delegation was encouraged by the approach of the Office of the United Nations High Commissioner for Human Rights in ensuring the universality and non-selectivity of the consideration of human rights issues. It was therefore disappointed that certain countries and regional groups continued to selectively address human rights.

16. The statements made earlier with regard to the human rights situation in Indonesia, including East Timor, had failed to recognize the positive developments that had taken place in Indonesia recently, including the substantial reduction of military personnel assigned in East Timor, greater political freedom in the province, and systematic release of East Timorese prisoners and detainees involved in political activities. It was regrettable that certain delegations had suggested a political solution of the East Timor issue, which was completely irrelevant to the Committee's deliberations. Indonesia remained committed to the tripartite dialogue, under the auspices of the Secretary-General, with a view to finding a just, comprehensive and internationally acceptable solution to the issue.

17. Mr. Hynes (Canada) said that human rights violations must be addressed in a forthright manner, demonstrating that the United Nations was serious about translating the principles of the Universal Declaration of Human Rights into reality.

18. The current conflict in the Democratic Republic of the Congo, as well as the persisting ethnic violence in Rwanda and Burundi, raised grave concerns about respect for humanitarian law and human rights. The return of hate propaganda and calls for ethnic violence could lead to a spiralling of human right abuses.

19. Canada deplored the violence that had taken place in the province of Kosovo over the past year, in particular the direct targeting of civilians by the Serb authorities. It condemned all abuses committed by the "Kosovo liberation army", and welcomed the establishment of the Kosovo verification mission by the Organization for Security and Cooperation in Europe.

20. Canada expected Croatia, Bosnia and Herzegovina, and the Federal Republic of Yugoslavia to fully meet their obligations under the Dayton Agreement, in particular on the critical issue of the return of refugees and displaced persons. Persons indicted for war crimes must face justice before the International Criminal Tribunal for the former Yugoslavia. Canada noted with concern the restrictions on press freedoms in Croatia and the Federal Republic of Yugoslavia.

21. Canada was concerned about continued reports of human rights violations in the Sudan, including arbitrary arrests, religious persecution and slavery; while welcoming the ceasefire, Canada deplored the use of military force to disrupt relief efforts, particularly the indiscriminate bombing of civilian targets by government forces.

22. The human rights situation in Afghanistan was among the worst in the world; in the light of reports that the Taliban had conducted atrocities against civilians and was systematically denying women and girls the most fundamental human needs, the world must demand that the Taliban should respect internationally established norms.

23. The Government of Iraq continued to rule by terror, indiscriminate arrest, imprisonment and execution; it had taken no steps to curb widespread human rights abuses, and had refused to cooperate with the Special Rapporteur of the Commission on Human Rights.

24. In the Islamic Republic of Iran, there had been setbacks in recent months with the closure of several newspapers and magazines and the arrest of journalists. His delegation was concerned about the heightened persecution of the Iranian Baha'i community, and the failure to ensure the full and equal enjoyment by women of their human rights.

25. Canada had long been concerned about the absence of respect for human rights and fundamental freedoms in the Democratic People's Republic of Korea; needless bureaucratic obstacles were now being imposed on United Nations agencies and international non-governmental organizations, threatening the delivery of food to the most needy recipients.

26. Canada deplored the widespread detention of elected representatives and members of the national league for democracy and other political parties in Myanmar, and called on the military regime to demonstrate a genuine commitment to national reconciliation and democracy by entering into dialogue with Daw Aung San Suu Kyi and other representatives of opposition and minority groups.

27. Canada remained deeply concerned about the security and humanitarian situation in Algeria. The visit of the panel of eminent persons had been a most welcome development, and Canada hoped that that spirit of cooperation would be

extended to the human rights mechanisms of the United Nations.

28. In some countries of South East Asia, the continuing economic crisis had exacerbated political and social stresses. In Malaysia, concerns had been raised about the use of the internal security act to detain political opponents and others without trial and to restrict freedom of speech and freedom of assembly; Canada was also concerned about the treatment of former deputy prime minister Datuk Seri Anwar Ibrahim and hoped that allegations of police brutality would be properly investigated.

29. Canada welcomed the progress made in Indonesia in respect of human rights. It welcomed the new approach in dealing with East Timor, but believed that the East Timorese themselves should be involved. It encouraged the Government of Indonesia to consider other initiatives conducive to a full settlement of that issue.

30. Canada commended Nigeria's renewed commitment to the transition to democracy and its release of many political prisoners, and urged that the pending cases should be dealt with expeditiously and that the decree providing for detention without trial should be repealed. It welcomed Nigeria's confirmation that the Special Rapporteur's visit to Nigeria would take place in the course of 1998.

31. Canada welcomed China's signing of the International Covenants on Human Rights, and urged it to ratify and implement them swiftly. It remained concerned about the extensive use of the death penalty, restrictions on freedom of religion and the suppression of political dissent. China's willingness to conduct a dialogue with Canada and others on human rights was encouraging.

32. Canada appreciated its frank human rights dialogue with Cuba, and welcomed Cuba's increased religious freedom, its invitation to selected United Nations mechanisms, and the release of political prisoners. However, the continued existence of prisoners of conscience, and the failure to protect freedom of expression, and civil and political rights in general, remained cause for concern.

33. In Haiti, much remained to be done, particularly with regard to impunity, abuse of authority, prison conditions and judicial reform. Canada was very concerned about the absence of agreement regarding a prime minister, but was encouraged by the Haitian Government's continued commitment to the cause of human rights and its recent invitation to the Special Rapporteur on violence against women.

34. Canada welcomed recent initiatives aimed at ending the civil conflict in Colombia, but had grave concerns about increasing violations of human rights and international humanitarian law. It hoped that the visit by the United Nations High Commissioner for Human Rights would lead to further progress.

35. **Ms. Ramírez** (Costa Rica) said that Costa Rica's commitment to respect for human rights at the national and international levels was well known; human rights could not be subject to temporary political considerations, and imposed duties and obligations on everyone.

36. Costa Rica rejected cultural restrictions on universal respect for human rights. Although it did not support some of the conceptual limitations in the Vienna Programme of Action, it had accepted them for the sake of consensus. The follow-up should provide an opportunity to remedy the weaknesses, for example in the gender-based approach. Costa Rica supported the strengthening of the competence and functions of the United Nations High Commissioner for Human Rights.

37. Her delegation supported the High Commissioner's view of the situation in Rwanda, and the need to strengthen the judicial structure to ensure that the many cases of massive human rights violations were prosecuted. That required a clear commitment by the Rwandan authorities to strengthen the capacity of the judicial system, and international technical and financial cooperation to ensure that the Rwandan courts met international standards.

38. Costa Rica found it regrettable that the new Government in the Democratic Republic of the Congo was continuing to reject international commitments and, in particular, its obligation to accept United Nations investigations, and was refusing to recognize responsibility for violations of human rights and international humanitarian law. That Government must resume cooperation with the joint mission and the Special Rapporteur and offer all necessary guarantees for the performance of their functions, particularly in the eastern areas of the country, in order to ensure that cases were brought to trial and evidence was salvaged.

39. Her delegation was deeply concerned about the overt human rights violations of the Government of Iraq. It was alarmed about the serious humanitarian situation of the population, but felt that the existence of the sanctions regime did not justify a systematic policy of human rights violations by the Government. The normalization of Iraq's relations with the international community involved implementation of Security Council resolution 687 (1991) and action to eliminate the political and legal order which was systematically infringing on human rights.

40. Costa Rica was alarmed about the increase in human rights violations in Afghanistan; it was particularly concerned about violations of the right to life of the population. The United Nations must carry out an investigation to establish what had happened and assign responsibility. Costa Rica was concerned about the violation of the rights of women and girls by the Taliban, and called on the Taliban to cease such actions immediately.

41. Costa Rica rejected the violation of the human rights of the population of Albanian origin in Kosovo by the Serb authorities in an overt policy of ethnic cleansing.

42. Mr. Sychev (Belarus) said that the progress made in human rights since the adoption of the Universal Declaration of Human Rights gave grounds for optimism regarding the translation of its provisions into reality. But optimism would not suffice — there must also be decisive and coordinated action at the international, regional and national levels, guided by the principles of international solidarity, cooperation and respect for the viewpoint of all States.

43. While no State could claim to have fully realized the whole panoply of human rights, the situation in Belarus was generally satisfactory, notwithstanding the difficulties encountered during the current period of transition. There was political and social stability, relations among the various nationalities were good, and citizens enjoyed the right to freedom of religion and freedom of expression. It was true that there had been a number of teething problems, but they were not the product of a deliberate policy of the leadership, which was committed to ensuring the unconditional observance of human rights and promoting respect for democratic principles and norms, including political pluralism and the rule of law. In accordance with the Constitution, which had been approved in a referendum, the State's main aim was the realization of human rights and fundamental freedoms.

44. Many activities were planned in Belarus for the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights. In particular, a programme of human rights education would be made compulsory in every educational establishment. Moreover, the Declaration would be widely publicized, since knowledge of one's rights was the key to active citizenship. Already, the Belarusian Parliament had held a series of hearings on human rights issues within the framework of the anniversary, with the broad participation of members of the Government and civil society. Following the hearings, the Parliament had adopted a series of recommendations which the Government was putting into practice.

45. In 1997, Belarus had presented its fourth periodic report under the International Covenant on Civil and Political Rights. His Government had appreciated the critical but constructive comments of the Human Rights Committee and had appointed a working group to examine ways of putting its recommendations into effect. His Government was also cooperating with the Organization for Security and Cooperation in Europe (OSCE), which had established an Advisory and Monitoring Group in Belarus to provide technical assistance in human rights, legislative reform and the development of civil society.

46. He noted with regret that discussion of the situation of human rights in Belarus was not always conducted in a constructive and balanced manner. Certain States had adopted a sterile political approach and their statements to the Committee, particularly those of the representative of the United States and the representative of Austria, speaking on behalf of the European Union, had contained groundless allegations against his Government. Those two delegations had singled out for criticism a handful of countries, chosen according to their political loyalty and economic and commercial usefulness.

47. It was not true — as alleged — that press freedom had been curtailed. In fact, approximately 1,000 periodicals were published in Belarus, of which only a quarter were State-owned. The television channels of the five neighbouring States could be viewed without restriction, as could over 20 satellite television channels. The legislation on the mass media which had recently been enacted by his Government, prohibiting incitement to violence, religious and racial division, as well as the use of the media to disseminate defamatory statements, reflected accepted standards in every democratic country. His Government had never and would never resort to censorship, which was prohibited by the Constitution.

48. The allegations of violation of the rights to freedom of assembly and association in Belarus were belied by the fact that, in a country of some 10 million inhabitants, there were 29 political parties, 42 trade unions, over 1,000 nationwide public associations and many more at local level. There was no evidence to support the allegation by the representative of Austria, speaking on behalf of the European Union, that peaceful demonstrations in Belarus had been violently suppressed. By contrast, the situation of the Russian-speaking minority in Latvia, one of the associated States, was a legitimate cause for concern.

49. With regard to the United States, Amnesty International had drawn attention in a recent report to widespread violations of human rights and discrimination

in various State structures. The authors had concluded that the United States Government was not applying the international human rights standards by which it judged other States. Such double standards were unacceptable. Moreover, the promotion of human rights should be founded on non-selectivity and objectivity and should not be exploited for political ends.

50. His delegation believed that, in seeking to translate human rights standards into reality, the international community must focus not only on the political, but also on the economic and social spheres. Belarus, as a young country with a transitional economy, was acutely aware of the interdependence of political and civil rights on the one hand, and economic, social and cultural rights, including the right to development, on the other.

51. Belarus faced a number of difficulties in the field of human rights, but his Government was seeking to overcome them and was ready to engage in a constructive dialogue with a view to finding solutions, for it was convinced that only through concerted action could the international community realize the noble aims of the Universal Declaration of Human Rights.

52. **Ms. Afetse Tay** (Togo) said that, while there had been substantial progress in human rights since the adoption of the Universal Declaration of Human Rights, much remained to be done. Each day, the scourges of ethnic or religious conflict, xenophobia, terrorism and arbitrary detention struck populations whose living conditions were already precarious. Firm action and practical measures must be taken to strengthen the enjoyment of human rights with due regard for national and regional characteristics. A global partnership was needed, involving all the social actors. In that connection, the Office of the United Nations High Commissioner for Human Rights was playing a catalytic role in the development of such an alliance. It must be provided with the resources necessary to expand its technical cooperation programme, of which Togo had been a beneficiary.

53. It had been established that enhancing respect for human rights was a vital means of consolidating peace and stability. The international community must take measures to prevent the massive violations of human rights, often the root cause of civil conflicts. She welcomed, in that regard, the efforts of the High Commissioner for Human Rights to establish a human rights field presence and to promote so-called human rights diplomacy, which entailed initiating dialogues with Governments with a view to identifying the obstacles to the enjoyment of human rights.

54. Human rights education and public information activities were also important preventive measures, and she therefore urged Member States to contribute further to the implementation of the Plan of Action for the United Nations Decade for Human Rights Education. Given the importance of national institutions in promoting democracy and the rule of law, particularly in Africa, the international community must facilitate the implementation of the Durban Declaration adopted in July 1998 by the Second Regional Conference of African National Human Rights Institutions.

55. The ratification of human rights instruments was not an end in itself. The real challenge for States parties lay in fulfilling the obligations they undertook in so doing, hence the importance of the treaty-monitoring bodies. She noted with concern the declining representation among the members of those bodies of nationals of developing countries, particularly in Africa. Currently, presenting a candidate for election to the treaty-monitoring bodies was a difficult and costly process, causing many States to become disenchanted.

56. While the primary responsibility for the protection of human rights lay with States, the international environment must be conducive to the realization of that goal and to human development. Her delegation therefore welcomed the initiative by the Office of the High Commissioner for Human Rights and the United Nations Development Programme to integrate development and human rights more closely. The international community, for its part, must step up its efforts to eradicate the injustices and inequalities which prevented the full enjoyment of human rights. The scale of that challenge was enormous, but, if Member States coordinated their efforts, human rights would become a reality for all.

57. **Mrs. Junod** (International Committee of the Red Cross (ICRC)) said that, in accordance with its mandate, ICRC worked to achieve the faithful application of international humanitarian law, which applied specifically to armed conflicts. As such, it was distinct from human rights law, although the two were interlinked. Thus, the 1979 Protocols Additional to the 1949 Geneva Conventions contained several rules drawn from international human rights instruments, and, conversely, certain provisions of human rights law, such as article 38 of the Convention on the Rights of the Child, reflected humanitarian law. While in principle human rights law remained applicable during armed conflicts, in practice additional safeguards were needed to provide adequate protection for those caught up in the hostilities. Accordingly, humanitarian law conferred upon them a number of supplementary rights, such as the right to medical care and the right of prisoners of war to correspond with their families.

58. While humanitarian and human rights law overlapped to some degree, with both recognizing certain core rights such as the right to life and the right not to be subjected to torture, ICRC viewed with caution the proposal currently being considered by the Commission on Human Rights to define what it described as fundamental principles of humanity common to both branches of law and applicable in all situations. In its view, the effectiveness of the existing provisions of humanitarian and human rights law derived from their specificities and any amalgamation might prove detrimental.

59. Nevertheless, ICRC welcomed the growing interest in humanitarian law among the organs of the United Nations system, notably the Commission on Human Rights and the Security Council. New protection measures adopted by those organs during the past decade included the presence of international observers from the Office of the High Commissioner for Human Rights and the Department of Peacekeeping Operations.

60. Given the growing number of humanitarian organizations active in conflict situations, there was a danger of duplication of work. Moreover, there were disparities in their working methods. Often the approaches were complementary, but it was important always to ensure that each organization adopted the course of action most likely to benefit the victims of the conflicts. To that end, there must be close cooperation among the various actors involved and agreement as to the norms governing their operations. In that connection, ICRC had organized workshops open to all concerned. Already, some progress had been made. In Rwanda, for example, the Office of the High Commissioner for Human Rights and the ICRC delegation in the country had devised a joint set of guidelines governing their respective activities in places of detention. Also, there were regular consultations between the Office of the High Commissioner and ICRC headquarters.

61. Cooperation among organizations was vital from the ethical, legal and operational standpoints, since the victims of conflicts had the right to the most effective protection that could be afforded. It was also important to avoid overlapping and to eliminate disparities in the approaches adopted by the various organizations where they proved to be counterproductive. The international community must build on its efforts in the fields of human rights and humanitarian law in order to attain respect for all human rights at all times in all places.

62. **Mr. Powles** (New Zealand) said that his delegation was very concerned at the deterioration of the human rights situation in Myanmar. Extremely serious violations continued to occur; they included political arrest, forced labour and summary executions. The Government's continuing failure to engage the opposition in political dialogue made it difficult to see any prospect for national reconciliation.

63. In his most recent report (A/53/322 and Add.1), the Special Rapporteur for the former Yugoslavia recorded some important progress since 1995, but emphasized that there still remained a high level of disregard for human rights and was particularly critical of the lack of cooperation on the part of State and local authorities in implementing positive developments in legislation and policies. The Government of Yugoslavia had recently taken some steps to comply with the Security Council resolutions on the situation in Kosovo. He urged the Yugoslav authorities and the Kosovar Albanian parties to the conflict to cooperate fully with the United Nations and the Organization for Security and Cooperation in Europe (OSCE).

64. New Zealand had welcomed the part recently played by the Islamic Republic of Iran in regional human rights initiatives but had been disappointed to see recent reports of religious persecution, specifically the execution of some Baha'is.

65. His Government deplored the fact that Iraq continued to refuse access to the Special Rapporteur and to ignore requests by United Nations agencies for the admission of human rights monitors. He nonetheless welcomed the expansion of the United Nations oil-for-food programme, with its provision of funds to enable Iraq to purchase humanitarian supplies. However, he shared the frustration of the Special Rapporteur at the Government's lack of cooperation in the implementation of that humanitarian programme.

66. Regarding Afghanistan, he was concerned by the Special Rapporteur's assessment that the human rights situation had deteriorated further since his last report. New Zealand urged the warring factions there to move towards a peaceful resolution of their conflict.

67. As to the African Great Lakes region, he regretted that massive population movements, as well as armed conflict, were contributing to violation of the human rights of many people in Burundi, Rwanda and the Democratic Republic of the Congo. With regard to the Sudan, New Zealand was troubled by reports of human rights violations, particularly of the rights of women and children. Moreover, it continued to be disturbed by atrocities being committed in Algeria. He urged the Algerian Government to engage disaffected political communities in the State political process, while

recognizing the need to bring to justice those accused of crimes against the population.

68. Turning to the positive steps occurring elsewhere in the world, he welcomed Indonesia's commitment to improve human rights and create a more open political environment. The release of political prisoners and greater media freedom were encouraging developments, and New Zealand looked forward to the passage of new electoral laws setting the stage for the 1999 general elections. His Government also welcomed the encouraging developments concerning East Timor which had been given impetus by the new Indonesian leadership's constructive approach.

69. He welcomed the holding of elections in Cambodia, which had been broadly representative of the will of the Cambodian people. However, New Zealand had been troubled by the ongoing political disruption and serious human rights violations, including the impunity of those committing such violations.

70. Referring to Papua New Guinea, he acknowledged the progress made towards a resolution of the conflict in Bougainville. The Papua New Guinea Government and all parties to the dispute had made significant steps in bringing lasting and durable peace and, in the strong tradition of regional cooperation, New Zealand was working closely with its neighbours and with Papua New Guinea and was proud to participate in the Peace Monitoring Group.

71. His delegation welcomed China's signature of the two International Covenants on Human Rights, and acknowledged its steps towards ratification. Nevertheless, continued reports of human rights violations remained a matter of concern.

72. As to Nigeria, New Zealand acknowledged the improving human rights situation, which was an important step towards the resumption of Nigeria's membership in the British Commonwealth, as would be the assumption of office of a democratically elected government in May 1999.

73. On thematic questions, New Zealand supported the priority given by the High Commissioner for Human Rights to economic, social and cultural rights and to the right to development. However, urgent consideration must be given to ways of ensuring the sustainability of the treaty-body system, and in that regard he welcomed the establishment of an internal special task force and the review being undertaken by the Commission on Human Rights. In the short to medium term, efforts should centre on improving the reporting process and enhancing coordination between the treaty bodies and other elements of the United Nations human rights system. New Zealand also strongly supported the regional arrangements which were evolving in connection with the recent proliferation in national human rights institutions around the world.

74. **Mr. Nuanthasing** (Lao People's Democratic Republic) said that, in dealing with human rights issues, account should be taken of the historical, socio-economic and cultural background of each country. No country should impose particular human rights standards on another.

75. Since the country's foundation in 1975, his Government had done its utmost to protect the human rights of the multi-ethnic Lao people. The Constitution had served as a basis for ensuring the people's rights and for gradually transforming the country into one ruled by law. The Government was restructuring the legal system, thereby providing guarantees for the further promotion of human rights. A body of new laws had considerably strengthened the prospects for a gradual implementation of the human rights and fundamental freedoms of the Lao people.

76. Activities planned for the celebration of the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights would include dissemination of the Declaration and other international human rights instruments in the Lao language, the holding of a national meeting, issuance of postal stamps and a further granting of amnesty to prisoners.

77. **Ms. Kerr** (Australia) said that all the human rights enshrined in the Declaration must be protected, and one set of rights could not be championed at the expense of another.

78. In Kosovo, it was crucial that efforts to bring about a peaceful settlement should be successful before the onset of winter.

79. Australia recognized the stated commitment of President Khatami to the promotion and protection of human rights in the Islamic Republic of Iran and welcomed in particular the Government's dissociation from the reward for killing Salman Rushdie. Nevertheless, serious human rights problems remained, including the treatment of the Baha'i community.

80. Her Government was deeply disturbed by the deteriorating human rights situation throughout Afghanistan, and urged all Afghan factions to respect universal human rights standards and to establish safe conditions for the resumption of vitally needed humanitarian assistance.

81. Regarding Algeria, Australia had been encouraged in July 1998 by the Government's readiness to receive the fact-finding panel appointed by the Secretary-General and hoped that the presidential elections in early 1999 would lead to positive change and a decrease in violence.

82. In the case of Nigeria, she hoped for a peaceful transition to civilian government following the forthcoming democratic elections.

83. Australia urged the Government of the Democratic Republic of the Congo to enable the United Nations human rights investigations to continue as soon as possible.

84. Whilst acknowledging the increased number of trials of those accused of genocide in Rwanda, she said that due process of law should be applied in dealing with the accused.

85. Her Government also urged the Government of Cuba to ensure freedom of expression and assembly — *inter alia* by reforming legislation so as to allow political parties, media and non-governmental organizations to function freely — and to conform with international standards applicable to political detainees.

86. Australia urged the early ratification and incorporation into domestic law of the two International Covenants on Human Rights recently signed by China without significant reservations. Her Government encouraged the recent steps which China had taken to enhance cooperation with the Office of the High Commissioner for Human Rights and looked forward to further visits to China by United Nations human rights officials.

87. The recent welcome visit to Myanmar by the Secretary-General's Special Representative should be the start of a constructive dialogue between the Government and the United Nations, leading to progress in the political and human rights situation. At the same time, Australia regretted the continuing violation of human rights, including forced labour and the detention of opposition members. She called on the Government to release the political prisoners unconditionally.

88. Regarding Indonesia, Australia welcomed the launch of its national action plan on human rights and the consolidation of the role of the Indonesian National Commission on Human Rights. Her Government had sought to assist Indonesia's human rights efforts in practical ways, including through comprehensive financial assistance for its National Commission, and had expanded its programme of aid, recognizing that the economic crisis had made the achievement of economic and social rights more difficult.

89. Australia also welcomed Cambodia's efforts at improving the country's human rights situation, including an action plan to combat child prostitution and trafficking, improvements in education, and extension of the mandate of the Phnom Penh Office of the High Commissioner. However, there remained much to be concerned about, including the continuing problem of impunity, and her Government therefore welcomed the appointment by the Secretary-General of a group of experts to evaluate human rights violations committed by the Khmer Rouge and options for bringing the perpetrators to justice. Australia urged all parties to accept the results of the July 1998 elections and to make the compromises necessary to establish a workable government.

90. As a friendly neighbour of Papua New Guinea, Australia welcomed the positive developments in Bougainville, and in particular commended all the parties for having respected a cessation of hostilities since October 1997 and a ceasefire since May 1998. Her Government continued to give strong support to reconciliation and respect for human rights, through both its aid programme and its involvement in the multinational peace-monitoring force.

91. **Mr. Chirinciuc** (Republic of Moldova) said that, although the promotion and protection of human rights had become one of the principal objectives of the United Nations, human rights were primarily the responsibility of individual nations.

92. The Republic of Moldova had been engaged in democratizing its society and had become a State where the rule of law prevailed. It therefore attached particular importance to human rights, had ratified most of the international human rights instruments and had acceded also to the relevant Council of Europe human rights conventions. Similarly, the new Constitution, which provided for the international human rights treaties to be integrated into domestic law, afforded human rights guarantees for all citizens, while national legislation also guaranteed minorities freedom of expression and the right to the free development of their ethnic, cultural, linguistic and religious identities. Also, Parliament had made reforms improving the judicial system.

93. All the elections held since independence had been free and fair. Despite the economic and financial crisis, the Government was making considerable efforts to protect human rights, and had strengthened human rights institutions. It was greatly appreciative of the assistance provided by the Office of the High Commissioner for Human Rights in the field of human rights, democracy and the rule of law, and in the setting up of an ombudsman's office. The dialogue between the Government and civil society on human rights had recently been intensified, and efforts were under way to promote human rights education and public awareness campaigns. Moreover, as part of the commemoration of the adoption of the Universal Declaration of Human Rights, a multi-volume edition of international human rights treaties was planned.

94. However, democratization in the Republic of Moldova was being adversely affected by the actions of the separatist regime in the east of the country, which was continuing to violate the human rights of the Moldovan population there. Moldovan citizens who lived in the separatist-controlled region could not vote in elections, use the courts and participate in Moldova's economic reforms. Nor could they study their mother tongue or even use the Latin alphabet.

95. Despite many appeals to the separatist regime in the eastern region, the members of the Ilascu group had not yet been set free. They had been imprisoned illegally in 1992 and, despite the fact that Ilie Ilascu himself had in the meantime been elected to the Moldovan Parliament for a second term, he remained in detention.

96. The Government of the Republic of Moldova nevertheless reaffirmed its desire to restart negotiations, provided the principle of territorial integrity was taken as a given.

97. **Mr. Zackheos** (Cyprus) said that further effort was required in promoting and protecting human rights, and States must therefore have the political will to accede to the international human rights conventions and to implement them in full. Any reservations should be limited to specific provisions.

98. The Government of Cyprus fully supported the work of the High Commissioner for Human Rights and welcomed her report. However, while sharing her view that positive engagement could be fruitful in situations where human rights were being violated, it believed also that there should be no impunity for the perpetrators of gross violations of human rights. Thus, the Government welcomed the efforts to establish the International Criminal Court and supported the European Court of Human Rights. However, such institutions could succeed only if political expediency was not allowed to interfere in the delivery of justice.

99. He informed the Committee that negotiations for the accession of Cyprus to the European Union had begun that very day in Brussels; Cyprus was ready to take the necessary steps to ensure that the negotiations succeeded. In that connection, he pointed out that one of the crucial conditions for such accession involved the applicant's human right record; Cyprus had long been ready to meet that challenge. The Government was sure that membership in the European Union would contribute to the development and welfare of all Cypriots and ensure that they enjoyed the highest standards of human rights.

100. In that spirit, the President had invited the Turkish Cypriot community to participate in the negotiations; although that invitation had been welcomed by the European Union as fair and generous, it had unfortunately been rejected by Turkey and by the Turkish Cypriot leadership.

101. The Government was dedicated to creating a society in which respect for human rights was paramount. It had made great efforts and had many achievements in the human rights field, as had been amply demonstrated in the conclusions of the various treaty bodies on the reports which Cyprus had submitted to them. However, despite the Government's efforts, the basic human rights of Cypriots continued to be violated as a result of the crime perpetrated by Turkey in 1974: one third of Cypriot territory was still under occupation, and a large Turkish force had conducted a policy of ethnic cleansing there. The Government believed that one effect of international inaction against that crime could be seen in its subsequent re-enactment in other parts of the world.

102. By their forcible expulsion from their ancestral homes, over 200,000 Cypriots had been denied their property; also, settlers from Turkey were still coming in, breaching the fourth Geneva Convention of 1949 by changing the demographic structure of Cyprus. He noted, however, that the situation had also led to the emigration of a third of the Turkish Cypriot population from the occupied territory. Also, the Turkish side had recently intensified its campaign to expropriate the property of Greek Cypriot refugees, in violation of international law. However, in a judgment of the European Court of Human Rights in 1996, Turkey had been found guilty of violating the property rights of a Greek Cypriot refugee. The judgment had confirmed that all refugees remained the owners of their property in the occupied part of Cyprus, from which they had been forcibly expelled. Indeed, in a further judgment in July 1998 in the same case, the Court had decided that Turkey must pay the applicant substantial compensation. The Government hoped that the judgment would be implemented in accordance with the established practice of the Council of Europe.

103. The Government was particularly concerned about the "enclaved" Greek Maronites in the occupied area. He quoted extensively from the report of the Secretary-General (S/1996/411), which stated *inter alia* that the Greek Cypriots and Maronites living in the northern part of the island were subjected to limitation of many basic freedoms, which had the effect that inexorably, with the passage of time, those communities would cease to exist. The situation had indeed worsened: the Maronite presence in one village had been terminated in the intervening period. He called on the Turkish side to respond by implementing the recommendations of the United Nations Peace-keeping

Force in Cyprus (UNFICYP) contained in document S/1995/1020.

104. He expressed deep regret that the families of missing persons in Cyprus still did not know the fate of their loved ones. The Secretary-General reported (S/1998/488, para. 23) that because the Turkish Cypriot side had refused to discuss arrangements for the return of the remains of Greek Cypriot and Turkish Cypriot missing persons, no progress had been made towards implementation of the July 1997 agreement between the two sides on humanitarian issues.

105. He renewed his Government's appeal to all concerned, particularly Turkey, to take the necessary steps to resolve what was indeed a purely humanitarian issue, and appealed especially to the Turkish Cypriots to implement the July 1997 agreement and show commitment to the work on missing persons, thereby helping to end the agony of uncertainty that had beset the families of the missing for so long.

106. The deliberate and extensive destruction by Turkey of the Greek Cypriot cultural and religious heritage in the occupied area was of great concern to his Government and, he believed, to the international community. He referred to a report in *The New York Times* of 1 April 1998 that, according to European police investigators, the despoliation of Greek Orthodox churches in the occupied area had been one of the most systematic art-looting operations since the Second World War.

107. The bitter experience of the Greek Cypriot community had made its members understand that respect for human rights was an obligation that must be fulfilled for the sake of future generations; thus, the Vienna Declaration and Platform for Action had become a blueprint for the Government.

108. **Mr. Ziaran** (Islamic Republic of Iran) said that there were many flaws in United Nations human rights activities, which were influenced to a large extent by the economic and political interests of a minority. Thus, double standards had become well-known features of the system. Also, United Nations special procedures in the human rights field were arbitrary with regard to the selection of countries, judgements of progress and decisions on ending monitoring: almost everything was at the mercy of the "sponsors", self-declared champions of human rights that used the machinery unstintingly in their own short-term interests, doing human rights no good at all.

109. Change was necessary because the system was getting nowhere and its credibility would be seriously tainted in the eyes of world public opinion if the trend continued. There was, however, no need to dismantle the system: rather, human rights, as the concern of every nation and every individual, should be emancipated from control by those who would portray themselves as "knights in shining armour". Thus, due consideration must be given to alternative approaches; and that applied especially to the establishment of national human rights mechanisms, which could contribute significantly, as could technical assistance and advisory services, human rights education and public awareness campaigns.

110. The Government was fully committed to promoting human rights, following the supreme teachings of Islam that human rights were celestial in origin and it was therefore fitting to protect them.

111. Of course, his country was far from achieving all its objectives; its society was not immaculate. However, there had been significant progress and there was a strong commitment and great diligence on the Government's part. Over the past year, democratic institutions had been consolidated, more active civil and political participation had been encouraged, the rule of law had been reinforced, women's rights had been promoted and national mechanisms for protecting and promoting human rights, particularly the freedom of expression, had been fostered.

112. In connection with the draft resolution being prepared on the situation of human rights in the Islamic Republic of Iran, sponsored by the States members of the European Union, the Government believed that international monitoring was not warranted; however, it was prepared to reach a consensus with the sponsors and had promised that it would cooperate fully with the human rights mechanisms.

113. Nevertheless, the Government believed that there should be some light at the end of the tunnel: there should be incentives for cooperation with human rights mechanisms, and the criteria for "graduation" should be known. International monitoring should not be seen as the only solution: the task of institutionalizing human rights protection could not succeed unless national institutions were given a chance to take the lead.

114. Lastly, he expressed his appreciation to the International Committee of the Red Cross for assisting in the return of the bodies of the Iranian diplomats murdered in Afghanistan by Taliban forces.

115. **Mr. Sarnaik** (India) said that there had been rapid development in the rights-based approach within the United Nations system, of which the report of the High Commissioner (A/53/36) provided a useful survey of the past year. The scope of that approach varied according to context:

the legal basis for the rights of the child and those of women were clearly established under the relevant conventions, whereas the right to development was most clearly articulated in the Declaration on the Right to Development.

116. The rights-based approach was clearly appropriate in the case of basic civil rights such as the right to non-discrimination and the right to equality, which were dealt with at the national level. However, the implications of that approach as it applied to economic, social and cultural rights, development and the sharing of obligations at the national and international levels were less evident, particularly in the case of developing countries.

117. His Government supported the rights-based approach insofar as it implied that both civil and political rights and economic, social and cultural rights were inherent to the individual or the collective rather than conferred by an act of welfare or charity. That approach was based on an accepted body of law, and respect for human rights was independent of a country's resources or level of development. India had never mortgaged democracy for development and the elimination of poverty, nor had it made human rights contingent on development.

118. However, where the inability to enjoy human rights was related to underdevelopment, rights alone were not sufficient. Development based on democracy and popular participation and backed by adequate resources which were, in themselves, considered as a right, was essential to a rights-based approach that maintained responsibility for guaranteeing the exercise of human rights at the international level, rather than reducing the international community's role merely to monitoring and enforcing civil and political rights.

119. Several structural factors, including the debt burden, poor terms of trade and inadequate technology and managerial expertise, limited the exercise of human rights in the countries affected by those problems. The Vienna Declaration and Programme of Action recognized that human rights were a legitimate concern of the international community; however, concern must be complemented by solidarity and cooperation, including cooperation for development.

120. Seeking to clarify the concept of the right to development, he said that that right had been presaged by the preamble of the Charter in the phrase "to promote social progress and better standards of life in larger freedom". It was the right of the poor to escape poverty and of the underdeveloped to realize their human rights fully. At the country level, it involved access to development resources at existing levels; however, it was as important to address the imbalances and distortions at the international level that affected the right to development. It was not enough to ensure that all citizens received a fair share of the national "cake", whatever its size; there was also a need to create conditions under which developing countries and their citizens, individually and collectively, could enlarge the "cake" and close the gap between the developed world and their own.

121. Official development assistance was only token acknowledgement that the poor had a right to improve their standard of living and that the wealthy owed something to the poor. The right to development did not constitute a claim for compensation for the exploitation of the developing world — though as a corollary of the rights-based approach such a claim could not be ruled out — but rather a recognition that the wealthy had a duty to the poor based not on charity but on the right to live in dignity. The moral force commanded by the relevant bodies of the United Nations system would be crucial in giving credibility to that recognition.

122. Indicators and benchmarks in the field of economic, social and cultural rights must take into account not only varying levels of development but also national and international obligations; they must be instruments for joint action rather than merely a means of stripping the disadvantaged of the little dignity that they had by holding up images of the strong as a measure of their own inadequacy.

123. In concluding, he wished to comment on two of the reports before the Committee. His delegation supported the recommendations contained in the report of the Special Rapporteur on religious intolerance (A/53/279), particularly his balanced approach and his recommendation to redesignate his mandate to focus not only on religious intolerance but also on freedom of religion and belief.

124. With regard to the situation of human rights in Afghanistan, the chilling detail of the accounts contained in the report of the Special Rapporteur (A/53/539), and the independent corroboration thereof, concerning the violation of the rights of the Hazara minority were extremely worrisome. The international community could not continue to ignore that situation on the grounds that it concerned a far-distant country or because other economic interests were at stake. A strong resolution should be the beginning of a concerted strategy to make the situation in Afghanistan more acceptable.

125. **Mrs. Kalajdzisalihovic** (Bosnia and Herzegovina) said that she disagreed with the comments of the Special Rapporteur on the human rights situation in Bosnia and

Herzegovina, Croatia and Yugoslavia (A/53/322 and Add.1) that the situation in all those countries had deteriorated. In her country, that situation had improved. Peace was taking hold, and the implementation of the Dayton Agreement was having a gradual, positive impact. One of the latest achievements had been the holding of peaceful and democratic general elections throughout Bosnia and Herzegovina, largely the result of the improvements in the situation of human rights. Those improvements included the promotion of independent media, increased freedom of movement, ongoing local police restructuring and the arrival at the International Criminal Tribunal for the former Yugoslavia of an increasing number of indicted war criminals. Without the international presence, those improvements would have been impossible.

126. Much work remained to be done, however, in implementing some of the key provisions of the Agreement. Her Government was gravely concerned in particular over key provisions on the return of refugees, full cooperation with the International Tribunal and the strengthening of the common institutions. The return of refugees and internally displaced persons was crucial to achieving a lasting peace and the development of a multi-ethnic democratic State. Regrettably, despite the stipulation in the Agreement that all of the 1.4 million refugees and displaced persons were entitled to return to their homes of origin, that right had been exercised only by 400,000. A comprehensive return, particularly to minority areas, was the cornerstone of a democratic Bosnia and Herzegovina.

127. Regarding cooperation with the International Tribunal, although there had been some improvement in cooperation by the Serbian entity in Bosnia and Herzegovina, a large number of indictees still remained at large. Her Government would continue its endeavours to secure full cooperation of all political units within Bosnia and Herzegovina, for until all war criminals were brought to justice, the process of reconciliation would be significantly imperiled. Another essential segment of that process was the more than 19,000 missing persons, whose fate should be clarified.

128. **Mr. Rocanas** (Greece) said that his delegation fully supported the statement made by the representative of Austria on behalf of the European Union.

129. Referring to the situation of human rights in Cyprus, he said that some delegations argued that Cyprus was thriving economically and that the problem in Cyprus was not as serious as in other parts of the world. Yet human rights were non-selective and indivisible: a violation of the human right that had not been redressed remained a violation, no matter how much time had passed. The time and scale factors were irrelevant when dealing with human rights. That was one reason why the international community had proclaimed that the situation in Cyprus was unacceptable and could only be resolved in accordance with the relevant resolutions of the United Nations.

130. The long list of flagrant violations of human rights in which the Turkish armed forces had been systematically engaged since 1974 had been described by the representative of Cyprus. The situation remained alarming. It was not only the rights of the Greek Cypriots and the Maronites that were being systematically violated; Turkish Cypriots did not have the right to express their views or to pursue regular contacts with members of the Greek Cypriot community and could not be represented or participate in the negotiations on the future membership of Cyprus in the European Union. In recent years, many Turkish Cypriots had been leaving the island, and were being replaced by settlers who were dispatched to the occupied territories in the framework of a well-planned policy of ethnic cleansing and colonization.

131. The Cyprus problem could not simply be ignored or allowed to fester as a dangerous precedent; his delegation called on the international community to be vigilant and on Turkey to act in a responsible manner, in accordance with the relevant international standards.

132. **Ms. Sinegiorgis** (Ethiopia) said that, as a least developed country, Ethiopia attached particular importance to the right to development and its effective implementation. Her delegation therefore welcomed the widening recognition of the right to development as integral to all other human rights and had noted with satisfaction the adoption within the United Nations system of the rights-based approach to development. The decision by the Commission on Human Rights to appoint an independent expert on the right to development was not only encouraging, but also demonstrated the momentum the issue had gained.

133. Ethiopia had been embroiled in a civil war for some 30 years, during which time serious violations of human rights had been committed. After the fall of the military regime in 1991, her Government had committed itself to restoring respect for human rights and had adopted strict legislative measures to that end. Ethiopia was a party to 15 international human rights instruments and its Constitution provided that constitutional provisions dealing with human rights must be interpreted in conformity with the principles of those instruments. Recognizing that additional measures were necessary to ensure de facto enjoyment of human rights, her Government was currently establishing human rights institutions and creating a post of human rights ombudsman. Those developments would mark a major

advance in the promotion and protection of human rights in Ethiopia.

134. Respect for human rights required peace and stability. However, the hostilities which had broken out in northern Ethiopia in May 1998 following a naked act of aggression by the Eritrean Government had led to grave violations of human rights. At the outset of the conflict, Eritrean forces had bombed two Ethiopian towns, deliberately targeting civilian facilities, resulting in the death and maiming of hundreds of civilians, including children. Subsequently, more than 30,000 Ethiopians had been expelled from Eritrea, while others were being detained against their will both in Eritrea and in the occupied areas and subjected to torture, beatings, rape and intimidation. A number of civilians had died from asphyxiation after being incarcerated in unventilated cargo containers. More than 300,000 Ethiopians living in the occupied areas had been displaced and were now completely destitute. Others had been forced to take Eritrean nationality, while young men were being forcibly conscripted into the invading army.

135. Meanwhile, the Eritrean Government was attempting to manipulate international public opinion by making false accusations of violations of the rights of Eritreans residing in Ethiopia. It was true that her Government, as was its sovereign right, had taken precautionary measures against Eritrean individuals and organizations engaged in clandestine activities which undermined the security of Ethiopia, but the allegations of mass expulsions were unfounded. Indeed, over a quarter of a million Eritreans continued to live and work peacefully in Ethiopia. Although Eritrea was not a party to the 1949 Geneva Conventions, it had a moral duty to comply with their provisions, which constituted established international norms governing the behaviour of States. She therefore urged the international community to bring pressure to bear upon the Eritrean Government to halt the gross violations of the human rights of Ethiopians residing in Eritrea and in the territories illegally occupied by that country.

136. **Mrs. Cvetanovska** (The former Yugoslav Republic of Macedonia) said that, in the 50 years since the adoption of the Universal Declaration of Human Rights, an impressive structure of human rights standards had been created that had guided the constitutions and legislation of many countries, including her own. Adopting standards was of course only one condition for the effective enjoyment of human rights, but the further development of standards should nevertheless proceed and they should reinforce those already in existence. Thus, she welcomed the work on the draft optional protocols to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment. Also, it was fitting that the fiftieth anniversary of the Universal Declaration should be marked by the adoption of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (A/C.3/53/L.5).

137. She applauded the growing recognition that human rights, democracy and development went hand in hand: while the best preconditions for economic and social progress were democracy and the rule of law, improving economic and social conditions had a favourable impact through improved observance of civil and political rights and decreased tension in societies. Thus, the Declaration on the Right to Development should be further affirmed and implemented in full.

138. She emphasized the plight of children involved in armed conflicts, being used as child labour and suffering sexual abuse, and called for maximum engagement in preventing such occurrences; the most important thing was to eliminate the causes, which frequently had to do with poverty, underdevelopment, lack of education and the like.

139. Her Government believed that much remained to be done in the area of gender equality, although the results of the deliberations within the United Nations system and the work of the international organizations themselves were satisfactory. In that connection, she informed the Committee that the Republic of Macedonia had adopted a declaration on gender equality in the decision-making process.

140. Her delegation considered that the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the work done by the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities were highly significant; furthermore, the participation of non-governmental organizations in that work was an important step in the protection for minorities' rights. Similarly, her delegation welcomed the recent adoption by the Council of Europe of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. It was especially important that the Framework Convention had been signed by the countries of south-eastern Europe, including her own: that commitment to minorities' rights would enhance confidence and promote good-neighbourly relations among the countries of the region. Another welcome development was the commencement of political dialogue with those countries of south-eastern Europe, including the Republic of Macedonia, that had expressed an interest in joining the

European Union. She hoped that the process would intensify in the near future.

141. Her delegation favoured strengthening the mandate and activities of the Office of the High Commissioner for Human Rights, was pleased with the leadership shown by Mrs. Robinson and gave the High Commissioner and her Office its full support in the hope that the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action would be implemented in full in the years ahead.

Statements in exercise of the right of reply

142. **Mr. Abdelhalim** (Sudan) welcomed the fact that the representative of Austria, speaking on behalf of the European Union, had recognized the Sudanese Government's efforts in the human rights field. The European Union was also aware of his Government's efforts to find a peaceful and lasting solution that would address the root causes of the conflict. In that connection, the Government was seeking to ensure full democratic participation, particularly since the adoption of the new Constitution and the Political Parties Act, whereby political parties would be able to begin their activities in January 1999.

143. The reports of human rights violations mentioned by the representative of Austria had originated within certain well-known circles whose secret objectives were to inflame the war and bring devastation to the Sudanese people.

144. The statement by the representative of the United States on human rights violations in the Sudan was baseless and unacceptable: the Sudan, together with all other African States, knew very well that for the United States human rights meant politicization and double standards as a tool for coercion, interference and pre-emption of other States' right to chose their own ways and means of conducting their affairs. The policies and practices of the United States were the greatest enemy of human rights, and it was hard to forget that the United States had been the backbone of apartheid, a crime against humanity. It rejected the right to development, thus standing in the way of the developing world in general and Africa in particular. It was ironic to hear the United States talk about human rights, given its lack of credibility and moral standing both at home and abroad.

145. In that connection, he noted that, according to a recent report by Amnesty International, there was a persistent and widespread pattern of human rights violations in the United States, where thousands of people were subjected to deliberate brutality; racism was contributing to the denial of the fundamental rights of countless men, women and children; and the overwhelming majority of victims in many areas were members of racial or ethnic minorities.

146. His country had been the victim of United States actions against the Sudanese people's human rights in the destruction of the Shifa pharmaceutical factory in flagrant violation of international law. The attack had been universally condemned, and had been judged at a recent meeting of the Group of 77 to be in violation of the Sudan's right to development. The destruction of the pharmaceutical factory had worsened the humanitarian situation throughout the Sudan and especially in the south, a situation further aggravated by United States unilateral sanctions. The United States was responsible for prolonging the war in the Sudan through its policy of destabilization, which had brought misery and death to innocent people. The Sudan was proud to be in the forefront of human rights, guided by its traditions and values. In connection with human rights violations, he recalled the maxim that those who lived in glass houses should not throw stones.

147. **Mr. Shen Guofang** (China) said that in recent days representatives of Norway, of European Union member States, the United States and some other countries had made groundless accusations against China which his delegation rejected outright: in China, the rule of law prevailed and the Government had always attached great importance to the protection of basic human rights and fundamental freedoms.

148. China was willing to work with other countries, engage in dialogue and exchange views on human rights questions on a basis of mutual respect and equality in order to promote mutual understanding, narrow differences and promote the international cause of human rights. However, it was opposed to some countries' practice within the United Nations, based on a cold-war mindset, of accusing others on human rights questions and regretted that a few Western countries had done so against China and other developing countries in a manner inconsistent with dialogue and cooperation on human rights.

149. When discussing human rights in United Nations forums, delegations should first look to the violations occurring in their own countries: his delegation hoped that they would have the courage to talk about those too. He reminded the Committee that China was party to 17 international human rights conventions, including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, in contrast to the United States, which was party to very few indeed and to those only with many reservations. His delegation hoped that the United States would accede to the other conventions also.

150. On the occasion of the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights, his delegation called on the Western countries to give up their cold-war mindsets and confrontational practices and should return to dialogue and cooperation in order to contribute to the promotion of human rights.

151. **Mr. Fernández Palacios** (Cuba) said that his delegation regretted having to reply to the allegations made by the representative of Canada, a country with which Cuba maintained a mutually beneficial dialogue and a productive relationship. The dialogue also covered human rights in the two countries.

152. Although Cuba recognized the progress made in human rights in Canada, nevertheless the conditions under which the indigenous people and other minorities were forced to live there — at the bottom of society, sunk in poverty, deprived of their cultures and ancestral rights, including ownership of the land on which they had lived for generations — continued to be a cause of special concern for many Cubans.

153. In response to the statement by the representative of Australia, his delegation called on that country to stop taking steps to limit the scope of international human rights treaties to which it was party. Also, his delegation continued to be concerned at the alarmingly high rate of deaths in custody in Australia, especially amongst Aborigines and Torres Strait islanders. Those minorities, some two per cent of the population, were extraordinarily over-represented amongst the prison population and were particularly likely to suffer abuses. The Cuban Government expected that the Australian authorities would have much to learn from Cuba's legitimate concerns.

154. **Mr. Mesdoua** (Algeria) said that the representatives of New Zealand, Canada and Australia had reviewed the human rights situations in various parts of the world without proper care for the impartiality that ought to obtain in the discussion of such sensitive matters as human rights.

155. The representative of New Zealand would have been well advised to recall his own country's recent history of relations with its indigenous people, whose worrying situation was a matter of concern to the international community: in terms of access to land, education, employment, housing and health services, they were the most deprived of all New Zealanders, and while they were almost unrepresented in terms of conducting the business of the State, they were the worst affected by social problems such as alcoholism, drug addiction, delinquency and incarceration.

156. To the statement by the representative of Canada, he replied that Canada was not without shortcomings in its human rights record; its human rights violations were legion, particularly against its indigenous and minority populations, many of whose rights were denied. Also, the representative's statement had contained a number of inaccuracies: firstly — he gave the representative the benefit of the doubt as to whether the statement had been made in bad faith or merely in ignorance of the real situation in Algeria — any "humanitarian situation" in Algeria existed only in the mind of the representative of Canada. Secondly, on the security front, objective and alert observers of the situation contradicted the representative. Thirdly, his delegation did not see why the convergence of political and religious events should be cause for concern: Algeria was preparing for the forthcoming presidential elections in all tranquillity and for the month of Ramadan — which Algeria would celebrate along with the rest of the Muslim world — with fervour. Lastly, his delegation was astonished by and objected to any suggestion that the panel of eminent persons, which the Government had invited to Algeria, had said that cooperation should be extended to other parts of the United Nations human rights machinery: Algeria already enjoyed relations with those mechanisms and had not needed advice from Canada or any other country before establishing such relations.

157. That the representatives of Australia, Canada and New Zealand had failed to deplore the terrorism which the people of Algeria were confronting with determination and courage disqualified them from referring to any human rights situation in any country, least of all Algeria: they had turned a blind eye to the remarkable progress that Algeria had made in consolidating the rule of law and democracy as an expression of its people's sovereign will. Human rights were no country's monopoly; every country needed to promote human rights objectively and with no double standards.

158. **Mr. Choe Myong Nam** (Democratic People's Republic of Korea) rejected the preposterous allegations by the representative of the United States about the human rights situation in the Democratic People's Republic: that statement had been a purely political ploy and worthless in terms of human rights. As was the case for most of the countries accused on human rights grounds by the United States, the slander was politically motivated. The United States had been trying to isolate the Democratic People's Republic politically, suffocate it economically and isolate it militarily for the simple reason that the Democratic People's Republic did not follow the United States blindly or surrender to its power politics or arbitrary will.

159. The "human rights problem" in his country was a fabrication issuing from the United States policy of isolating and stifling the Democratic People's Republic with a view to dissolving it and overthrowing its social system: indeed the real human rights abuse lay in that policy. In his country, which maintained a philosophy of keeping the human being at the centre of its concern, everyone enjoyed the human rights and fundamental freedoms enshrined in the international human rights instruments. Nevertheless, the representative of the United States had claimed that there were problems in the human rights situation there by adducing the problem of sustenance as an example. Meanwhile, it intentionally ignored the fact that it was the constant military threat and harsh economic sanctions emanating from the United States that were the primary obstacle to the enjoyment of fundamental rights and freedoms by the people of the Democratic People's Republic of Korea.

160. Also, the representative of the United States had failed to say that the Government had been doing its utmost to ensure its citizens' enjoyment of human rights or that because of those efforts and despite temporary difficulties imposed by several consecutive years of natural disasters and the artificial obstacles imposed by the United States, the support and trust of the citizens of the Democratic People's Republic for their Government were boundless. Of course, the representative had had to ignore those facts if he was to spread his Government's customary fabrications about human rights violations in the Democratic People's Republic.

161. It was disgusting that the United States, setting itself up as a human rights judge, should accuse an array of other countries on the basis of their human rights records: while it constantly urged other countries to respect human rights, the United States lagged far behind others in implementation of human rights standards. It had never been honest enough to discuss its own human rights problems openly, and its silence on those matters did not indicate perfection; rather, it demonstrated the reverse: while the United States accused other countries, 26 million of its own people were starving, over 40 million were living below the poverty line and 47 million could not obtain health care. Also, tens of thousands of coloured people were daily subjected to racial discrimination and many were victims of violent crime. The prison population was over one million, the highest rate of incarceration in the world. Degrading treatment of prisoners, particularly rape of female prisoners, and cruel punishment with 50,000 volts of electricity were rife. The United States also had a disgraceful human rights record abroad: since 1776, it had been involved in over 70 wars resulting in the death of untold numbers of people. The same was going on today in areas where United States troops were stationed.

162. Those and the many other human rights violations which the Government of the United States committed at home and abroad were deeply rooted in its policy, which espoused the law of the jungle in its competition for existence. Because of its notorious human rights record, which was already the focus of attention from the international community, the United States had been selected by Amnesty International for investigation during its annual human rights campaign. That the United States was criticizing other countries' human rights records while under investigation itself was a case of the "pot calling the kettle black".

163. Mr. Al-Hussainaldi (Iraq) said that the representatives of Canada and New Zealand in particular had spoken of human rights violations in Iraq, but their words had merely been tiresome repetitions of the accusations of the Special Rapporteur on the human rights situation in Iraq which the delegation of Iraq had rebutted during the discussion of the Special Rapporteur's report (A/53/433). The hostile propaganda which the representatives had echoed was politically motivated and was intended to destabilize the political and national unity of Iraq and change the Iraqi regime. That purpose had nothing whatsoever to do with the human rights situation in Iraq.

164. Mr. Tekle (Eritrea) said that the charges of aggression that had been levelled against Eritrea had already been amply answered in the Third Committee, the First Committee and the General Assembly. However, the representative of Ethiopia had referred to aerial bombing by Eritrea without mentioning that her own country had struck first. Her Prime Minister had tacitly accepted as much in an interview with the British Broadcasting Corporation (BBC) on 15 July 1998. The representative of Ethiopia had accused Eritrea of targeting civilians, but in Eritrea's retaliatory aerial bombing, which the Ethiopian Prime Minister, in the same BBC interview, had said was targeted on schools, Eritrea had destroyed MIG jets, helicopter gunships and a transport plane, which were hardly school equipment.

165. The accusations that Eritrea had expelled Ethiopians from Eritrea were false, and he defied the representative of Ethiopia to prove that reports by European Union missions, United Nations agencies, the High Commissioner for Human Rights, the Secretary-General, the Prime Minister of Sweden and Amnesty International were faked.

166. The booklet and paper produced by the Ethiopian delegation on Eritrea's alleged atrocities were not worth the paper they were written on, as they were products of the

sinister propaganda machine inherited from the former military regime. Thus, they were not the work of independent third parties, unlike the report on the mass expulsion of Eritreans from Ethiopia annexed to document A/53/494–S/1998/949. The allegations they contained were false, and demonstrably so. The so-called letters of complaint against the High Commissioner for Human Rights had been orchestrated by the Government of Ethiopia in retaliation for her denunciation of its violation of the human rights of Eritreans and Ethiopians of Eritrean origin.

167. Furthermore, on 8 November 1998, the Organization of African Unity (OAU) high-level delegation on the dispute between Eritrea and Ethiopia, meeting in Ouagadougou, had issued a press release reporting the adoption of a set of proposals constituting elements of a framework agreement for a peaceful settlement of the dispute between Ethiopia and Eritrea. Yet the Foreign Minister of Ethiopia had claimed that OAU had called for the withdrawal of Eritrean troops from the Badme region. The Eritrean Government, for its part, had issued a statement which had reflected the OAU press release, recognizing that OAU had called on both sides to reflect on the talking points handed over to them. Delegations must decide which Government to believe.

168. The Ethiopian Government's claim that Eritreans and Ethiopians of Eritrean origin whose human rights it had violated were spies had already received an adequate reply. The representative of Ethiopia had also accused Eritrea of targeting civilians. Nothing could be further from the truth. He invited the United Nations or any other organization to send verification teams to his country and challenged the Government of Ethiopia to extend a similar invitation. He suggested that delegations should compare Eritrea's human rights record since its independence in 1993 with that of Ethiopia during the same period and that they should refer also to the reports issued by Human Rights Watch and by the State Department of the United States of America.

169. Mr. Rastam (Malaysia) said that he was intrigued by some delegations' practice of referring to human rights violations committed in many countries other than their own. For example, the representative of Canada had alleged that the Government of Malaysia detained political opponents and others without trial and restricted freedom of speech and assembly under that country's Internal Security Act. That Act had been passed by the Malaysian Parliament, as any State had the right to do, in its efforts to protect citizens by ensuring national security. The Act had been prompted by the alarming security situation which had arisen in Malaysia as a result of Communist terrorism and insurgency over a period of five decades. That situation had ended with the surrender of the remaining communist terrorists in 1989, largely owing to the effective use of the Act.

170. That instrument was not used to restrict freedom of speech or assembly; however, it did apply to those who abused those rights in order to threaten the stability and security of Malaysia's multiracial, multi-religious society. Freedom of speech, freedom of association and peaceful assembly entailed certain responsibilities, and those who promoted violence and social unrest must be made accountable for their actions. The Government must be able to act swiftly and effectively, particularly in the case of emerging threats to national security.

171. With regard to the representative of Canada's expression of concern regarding the treatment of the former Deputy Prime Minister of Malaysia, his Government condemned police brutality, wherever committed, and had ordered an independent, impartial investigation of the matter.

172. **Ms. Pang** (Singapore), said that the representative of Canada had remarked on the extensive use of the death penalty in China. In that regard, she referred to her own delegation's remarks made at an earlier meeting in exercise of the right of reply to a statement by the representative of Norway on behalf of the European Union and associated States. The death penalty was not prohibited under international law; article 6 of the International Covenant on Civil and Political Rights specifically recognized the right of States to impose the death penalty for the most serious crimes, as long as it was carried out in accordance with internationally recognized safeguards. The issue was one on which Governments must agree to disagree and, as long as some States attempted to impose their own systems on others, Singapore would join those other States in vigorously defending its own system of justice and punishment.

173. **Mr. Arda** (Turkey) said that the allegations made annually by the representative of Greece were an abuse of the Committee's time and patience. The division of Cyprus had taken place 25 years previously when Greek Cypriot leaders, openly encouraged and supported by the Greek Government, had attempted to change a constitutional order established by international treaties, initiating a bloody campaign of ethnic cleansing and, by so doing, dividing the island. In 1974, the Greek Government had made a second attempt to annex Cyprus. In view of that Government's direct responsibility for those events, it was difficult to see how the representative of Greece could accuse Turkey of responsibility for the situation in Cyprus.

174. The representative of Greece's statement was full of distortions and half-truths. As a guarantor, the Greek Government was well aware that the Turkish intervention

in 1974 had been consistent with its rights and obligations under the Treaty of Guarantee. Were it not for that intervention, the fate of the Turkish Cypriots would have been no different from that of the Bosnians. The tone, style and content of the representative of Greece's statement was a reflection of the obsessive-compulsive Greek policy towards Turkey, which, unfortunately, had had repercussions for the people of Greece. According to a recent survey, only 21 per cent of the Greek population considered tolerance to be a virtue which parents should endeavour to inculcate in their children; that percentage was the lowest of any country in the European Union. The survey had also shown that the majority of Greeks had an aversion to Turks, Albanians, Jews and Gypsies. In view of the current preparations for a world conference on racism, those were alarming statistics.

175. **Ms. Sineglorgis** (Ethiopia) said that the representative of Eritrea was attempting to create confusion through false accusations of human rights violations against Eritreans living in Ethiopia. The Eritrean Government's violation of the human rights of Ethiopians living in the occupied portion of Ethiopia, and in Eritrea itself, had been verified independently. Only a week previously, OAU had issued a press release requesting Eritrea's withdrawal from that territory, and there had been numerous reports of systematic searches, beatings, torture, rape and murder. The Government of Eritrea claimed to have allowed foreign observers to monitor the situation of human rights of Ethiopians in Eritrea; however, those observers had been granted entry only after the fact and had been permitted to speak only with persons connected to the Government. Any abuses had begun with Eritrea's invasion of Ethiopia and had continued because of its refusal to withdraw.

176. For further information, she referred delegations to the study annexed to document A/53/528–S/1998/981. The representative of Eritrea's attempts to question the authenticity of a document which bore witness to its violations of the human rights of Ethiopians was typical of that Government's arrogant refusal to accept responsibility to its actions.

177. **Mr. Zackheos** Cyprus) said that the representative of Turkey, despite his eloquence, had a very weak case on which to base a defence. The Turkish invasion and occupation of a small, defenceless country, Cyprus, had been condemned by all international organizations and was incompatible with international law and with the Charter of the United Nations. The Turkish Government's dismal human rights record, as evidenced by its ill-treatment of minorities, summary executions, enforced disappearances, razing of conquered villages and imprisonment of opposition leaders and human rights activists, was known to all.

178. The Turkish representative had not responded to the well-documented evidence of human rights violations committed by his country following its invasion of Cyprus. Like all representatives of Turkey, he had a propensity for selective memory; he referred only to the past, forgetting that in a situation of armed conflict, excesses might be, and indeed had been, committed by both sides. His own Government had admitted that fact, and he urged the Turkish Government to do likewise rather than seeking to attract support for its expansionist designs and its attempt to ensure recognition of the secessionist entities which it had artificially created in the north of Cyprus and maintained in power through the deployment of Turkish troops.

179. In conclusion, he emphasized that, while his people would never reconcile themselves to the Turkish invasion of Cyprus, they would always extend the hand of friendship, cooperation and understanding to their Turkish Cypriot compatriots, with whom they hoped to live in a tolerant, multicultural society as in the past. Cyprus had much to offer all its citizens and could serve as a bridge for improved relations between Greece and Turkey if the Turkish Government abandoned its outdated policies of occupation and challenge to the sovereignty and territorial integrity of its neighbours.

180. **Mr. Rocanas** (Greece) said that the representative of Cyprus had eloquently described the political situation in that country. Turkey's abysmal record of human rights, not only in Cyprus but with respect to the Kurds, Armenians, Jews and other minorities, placed its representative in a glass house from which he was ill-advised to cast stones. His own Government preferred to look elsewhere for inspiration.

181. **Mr. Tekle** (Eritrea) said that he was not alone in his accusations against the Government of Ethiopia; the High Commissioner for Human Rights, the Secretary-General of the United Nations, the Prime Minister of Sweden and Amnesty International had made similar observations. After reading out the OAU press release to which the representative of Eritrea had referred, he suggested that observers should visit both countries to evaluate the situation. There were serious ethnic, religious and political tensions in Ethiopia, and he wondered whether the international community would wait until its television screens showed blood and dead bodies before acting. The Ethiopian Government's policy of ethnic cleansing had reached a staggering level and posed a threat to regional peace and security.

182. **Mr. Arda** (Turkey) said that Turkey was proud of its tradition of tolerance. Greeks and Greek Cypriots, who were responsible for all the misfortune suffered by Cyprus since

1963, had reiterated their cynical and unfounded allegations against his country. The state of mind reflected in the representative of Greece's statement made it clear why Greek Cypriots could not come to terms with the Turkish Cypriots or live peacefully with them as equals. The basic requirements for shaping the future of Cyprus were realism and acknowledgement of the fact that since 1963, southern Cyprus had been administered solely by the Greek Cypriots. Cyprus was currently inhabited by two sovereign peoples, each with its own language, culture and religion; there were two democratic systems, two legal structures and two separate States.

183. **Mr. Choe Myong Nam** (Democratic People's Republic of Korea) said that his delegation saw no need to comment on the representative of Canada's allegations regarding his Government, which were a stereotyped fabrication that bore no relationship to human rights and, moreover, had merely reiterated the Canadian delegation's statement of the previous year. He warned the Canadian Government that unless it refrained immediately from abusing humanitarian issues for its sinister political propaganda against his country, it would face the consequences.

184. **Ms. Sinegiorgis** (Ethiopia) said that the representative of Eritrea did not hold a brief for the High Commissioner for Human Rights or the Secretary-General of the United Nations, who could speak for themselves. She was happy to report that in her country, there were human rights organizations and independent newspapers which were free to express whatever opinions they chose. The situation in 1996, or reports thereof, had no relevance to the current discussion. If the representative of Eritrea found the truth painful, that was not her fault.

185. It was universally known and had been verified by third parties that it was Eritrea which had invaded Ethiopia and occupied part of its territory, and numerous international bodies had asked the Eritrean Government to withdraw. The OAU press release had presented a peace proposal to the two parties to the conflict and had requested Eritrea's withdrawal from Badme and its environs.

186. **Mr. Zackheos** (Cyprus) said that his Government supported the positions of the Security Council and that he wondered whether the Turkish Government could say the same. The only reality in Cyprus was that of the Turkish invasion and the massive violations of the human rights of the Cypriots. As long as the Turkish Government's interference with the internal affairs of Cyprus continued, both Greek and Turkish Cypriots would continue to suffer. Regrettably, a third of the Turkish Cypriot population had fled the occupied part of Cyprus. No one was willing to accept the existence of a Turkish puppet regime in the occupied area, in violation of international law and Security Council resolutions.

187. **Mr. Rocanas** (Greece) said that he associated himself with the statement which the representative of Cyprus had just made. It was the Turkish invasion of Cyprus which had created the situation of human rights violations that he had described in his own previous statement. If only Turkey would live up to its freely undertaken commitments and cease its efforts to undermine progress towards a negotiated, viable settlement of the Cyprus issue, not only its own credibility, but that of the international community and, in particular, that of the United Nations, would be enhanced.

The meeting rose at 7.50 p.m.